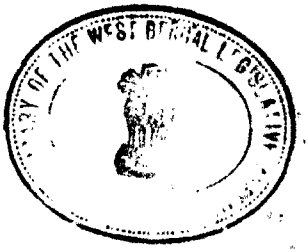

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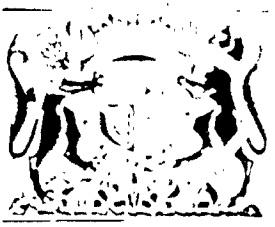

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Official Report

Bengal Legislative Council

Thirty-eighth Session, 1932

1st to 5th and 15th to 17th February, 1932

Calcutta
Bengal Secretariat Book Depot
1932

Published by the Bengal Secretariat Book Depot,
Writers' Buildings, Calcutta.

Agents in India.

Messrs. S. K. Lahiri & Co., Printers and Booksellers, College Street, Calcutta.
Messrs. Thacker, Spink & Co., Calcutta.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Mr. A. MARR, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI, KT., in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. W. D. R. PRENTICE, C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.
7. Hazaribagh Reformatory School.

The Hon'ble Sir B. B. GHOSE, KT., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

MINISTERS.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY, in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh.

DEPUTY PRESIDENT.

MR. RAZAUR RAHMAN KHAN, B.L.

Panel of Chairmen for the Thirty-eighth Session.

1. Sir LANCELOT TRAVERS, KT., C.I.E., O.B.E.
2. Mr. B. C. CHATTERJEE, Bar.-at-Law.
3. Khan Bahadur Maulvi AZIZUL HAQUE.
4. Mr. S. M. BOSE, Bar.-at-Law.

Secretary to the Council—G. G. HOOPER, I.C.S. (offg.).

Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY, I.S.O.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]
Austin, Mr. J. M. (Bengal Chamber of Commerce.)

B

Baksh, Maulvi Shaik Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Mr. Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Bartley, Mr. C. (Nominated Official.)
Basir Uddin, Khan Sahib Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Birkmyre, Mr. H. (Bengal Chamber of Commerce.)
Blandy, Mr. E. N. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bottomley, Mr. J. M. (Nominated Official.)
Bural, Babu Gokul Chand. [Calcutta South Central (Non-Muhammadan).]

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]

Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)
Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Clark, Mr. I. A. (Indian Mining Association.)
Cohen, Mr. D. J. (Nominated Non-official.)
Coppinger, Major General W. V., C.I.E., D.S.O., M.D., F.R.C.S.I., I.M.S. (Nominated Official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Dain, Mr. G. R., C.I.E. (Bengal Chamber of Commerce.)
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]
Fawcus, Mr. L. R. (Nominated Official.)
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gangali, Rai Bahadur Susil Kumar. (Nominated Official.)
Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Ghose, the Hon'ble Sir B. B., KT. (Member, Executive Council.)
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, KT. (Member, Executive Council.)

Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gurner, Mr. C. W. (Nominated Official.)

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hashemy, Maulvi Syed Jalaluddin. [Khulna (Muhammadan).]
Higgins, Mr. R. (Expert, Nominated.)
Hopkyns, Mr. W. S., C.I.E., O.B.E. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Kerr, Mr. W. J. (Nominated Official.)
Khan, Maulvi Amin-uz-Zaman. (Nominated Official.)
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]

L

Lal Muhammad, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
Mason, Mr. G. A. (Indian Jute Mills Association.)

* Deputy President, Bengal Legislative Council.

McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Momin, Khan Bahadur Muhammad Abdul. [Noakhali East (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nag, Reverend B. A. (Nominated Non-official.)
Nandy, Maharaja Sris Chandra, of Kassimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]
Norton, Mr. H. R. (Calcutta Trades Association.)

O

Ordish, Mr. J. E. [Dacca and Chittagong (European).]
Ormond, Mr. E. C. [Presidency and Burdwan (European).]

P

Philpot, Mr. H. C. V. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Prentice, the Hon'ble Mr. W. D. R., C.S.I., C.I.E. (Member, Executive Council.)

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]

Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Ross, Mr. J. (Indian Tea Association.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, the Hon'ble Mr. Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Salanddin, Mr. Khwaja. [Dacca City (Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarkar, Sir Jadunath, KT., C.I.E. (Nominated Non-official.)
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]

* President of the Bengal Legislative Council.

Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]
Sumner, Mr. C. R. (Bengal Chamber of Commerce.)

T

Travers, Sir Lancelot, KT., C.I.E., O.B.E. [Rajshahi (European).]

W

Wilkinson, Mr. H. R., C.I.E. (Nominated Official.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirty-eighth Session.)

Volume XXXVIII—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 1st February, 1932, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 108 nominated and elected members.

Oath or affirmation.

The following members made an oath of their allegiance to the Crown:—

Mr. William Stenning Hopkyns, C.I.E., O.B.E.

Mr. Charles Bartley.

Mr. Hector Russell Wilkinson, C.I.E.

Mr. G. A. Mason.

Mr. J. E. Ordish.

Voluntary cut in salaries of the Hon'ble the President and Deputy President.

The Hon'ble Mr. A. MARR: Sir, I have an announcement to make.

I am authorised by His Excellency the Governor to say that he has received from the Hon'ble President of this Council a letter offering to surrender ten per cent. of his salary in view of the present financial stringency. The offer takes effect from the 1st January, 1932, and is for the duration of the present exceptional emergency. His Excellency has gratefully accepted the Hon'ble President's generous offer.

I am also authorised to state that a letter in similar terms has been received from the Deputy President of this House whose offer has also been gratefully accepted by His Excellency.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session :—

(*1*) Sir Lancelot Travers, Kt., C.I.E., O.B.E.

(*2*) Mr. B. C. Chatterjee, Bar.-at-Law.

(*3*) Khan Bahadur Maulvi Azizul Haque.

(*4*) Mr. S. M. Bose, Bar.-at-Law.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Mr. B. C. CHATTERJEE: Sir, is it in order of seniority or age or what?

Mr. PRESIDENT: You come next to Sir Lancelot Travers in seniority.

Mr. B. C. CHATTERJEE: Sir, I claim to be older than him. (Laughter.)

Mr. PRESIDENT: You have not shown me your horoscope as yet. (Renewed laughter.)

(At 2-40 p.m. the Registrar to the Council announced to the Hon'ble the President that His Excellency the Governor was without. The Hon'ble the President then left his seat on the *dais* and met His Excellency under the small dome in the vestibule. His Excellency then entered the Council Chamber with the Hon'ble the President, and, at the request of the Hon'ble the President, took his seat in the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.)

As His Excellency the Governor took the Chair Maulvi Syed Jalaluddin Hashemy rose to a point of order.

Mr. PRESIDENT: Order, order: You must know that I am not presiding over an ordinary meeting of the Council at the present moment.

(The member resumed his seat.)

His Excellency the Governor's Address.

His Excellency the GOVERNOR of BENGAL (the Right Honourable Sir Francis Stanley Jackson): Gentlemen, the Council meets to-day under conditions of unusual interest though of considerable gravity. Since the Council was last in session much has happened in Bengal and in India and throughout the world to create a situation, political and economic, which has given and still gives cause for serious concern to all who carry responsibility. The main responsibility of members of this Council however must be primarily to the people of Bengal, and I shall bear this in mind in the remarks which I shall address to the Council this afternoon. In times like these I feel that, whilst it may not be possible to ignore the present or the past, it will probably prove most profitable if one's eyes are turned for the most part upon the future. It appears to me that the most valuable help will be forthcoming from the constructive mind and outlook rather than from hyper-critical and regretful recrimination.

I admit it is not easy to take a very cheerful view of the immediate future. The economic and financial difficulties with which we are faced are not conducive to optimism. All must be aware of the havoc which the world crisis, accompanied unfortunately by internal political disturbance which must bear some of the blame, has played with the finances of this Province. Since the introduction of the Reforms of 1920 our financial position, owing to various causes, has never been anything but precarious. Any cause which even slightly affected our ordinary revenue was certain immediately to produce the prospect of a deficit, so close to the margin have we had to work in the bare running of the administration. Any promising source of expanding revenue has been completely barred to us. The world crisis, which so seriously affected the staple industries of Bengal, with the consequent shortage of money throughout the Province, has had its immediate effect upon revenue which has shown a very serious decline during the last two years. I think it can justly be claimed that the expenditure upon administration has not been extravagant: in fact in many respects expenditure has been cut to a level almost below the minimum consistent with ordinary efficiency. Government have done their best, both by retrenching existing expenditure and by stopping almost all expenditure upon development and new schemes, to meet the situation created by declining revenue and have, as you know, at the same time imposed a cut of ten per cent. on all salaries over Rs. 40. I am not going any further to anticipate the budget statement of my Hon'ble friend the Finance Member: he must tell his own tale with as much cheerfulness as the subject under present conditions will allow. I am sure I can count on the House to give him the sympathetic assistance that the needs of the situation demand.

The economic position throughout the rural districts has, of course, reacted both to world conditions and to local misfortunes and has been a matter of serious concern to Government. The prices of such money-producing crops as jute and paddy have rarely been lower, though fortunately low prices have been accompanied by abundance of food-stuffs. In some areas much damage and consequent distress have been caused by floods. One gleam of satisfaction has been a fair rise in the price of jute and our latest reports indicate that on the whole the economic situation throughout rural Bengal shows a distinct improvement on the conditions obtaining and anticipated six months ago. It has, however, been deemed advisable to endeavour, by the same means as were adopted last year, to restrict the sowing of jute in the hope that by avoiding over-production the present price, which is possibly just economic, may be preserved. It has also been necessary, in the areas affected by floods and other visitations, to provide funds both in the shape of gratuitous relief to help to mitigate the immediate sufferings of those affected and in the shape of agricultural loans which are the most efficacious way of helping the cultivators to repair their losses. I should like here to acknowledge on behalf of Government the valuable assistance, monetary and otherwise, which has been rendered by many organisations and newspapers. This has been of immense help in supplementing the work of relief on which Government, through its local officers, has been engaged throughout. In some areas in the Province it has been necessary to introduce relief works, though I am glad to say that this requirement has not been very extensive. If further help is required—as it may be later in the year—Government will meet the situation in the same way, by providing further funds for starting test works and distributing gratuitous relief and by the most profitable method of giving agricultural loans.

In these times of exceptional financial and economic stress all are called upon to make sacrifices. I hope, however, that there will be a general endeavour, as far as possible, to avoid wholesale discharges which must swell the ranks of the unemployed already pitiably great. This much of hope, at all events, I see in the position: with our fertile soil and our virtual monopoly in the crop on which so large a proportion of our population depend, we here in Bengal should be in a position to take immediate advantage of any improvement in the general position of trade throughout the world.

Another matter in which I think it will be profitable rather to turn our eyes to the future than to keep them fixed on the past is provided by the constitutional changes which have been foreshadowed by the Prime Minister on two occasions. There are many who believe that the root of many of our troubles, political certainly, and possibly economic, is the delay in producing a constitution which will place upon the shoulders of Indians the sobering influence of greater responsibility.

However that may be, an opportunity is now afforded to Indians of all classes and communities to bring the constructive mind and outlook to bear upon this great problem. We shall shortly have in our midst the committees which have been appointed to inquire on the spot into the vital questions of franchise and of federal finance, two subjects, both of which must be of as great interest as they are of importance to Bengal. This House will, I am sure, welcome the inclusion upon the Franchise Committee of an old friend and colleague in Sir John Kerr. With a population of fifty millions in which the two great communities are almost equally divided, the basis of the franchise must be a matter of the greatest concern. My Government were requested to appoint a Provincial Committee to advise and act with the Central Committee. Government would have preferred to have consulted the House as regards the composition of this Committee, but the notice was short and the matter would not permit of delay. Government had therefore to proceed at once to appoint a Committee which they have done after consultation with leaders of various parties of this Council and of communities outside. It was a matter of regret that representatives of other political opinion not represented in this House have not seen their way to suggest nominees for membership of the Provincial Committee.

As regards the Finance Committee, this is a small Committee whose deliberations on the future financial settlement as between the centre and the provinces must be a matter of most vital importance to this Province. I am not yet clear how this House can help the Government of Bengal in placing the case of the Province before this Committee, but the House will need no assurance that my Government realise to the full the extent to which the possibility of satisfactorily working any scheme of Provincial autonomy in Bengal depends upon our obtaining a fair and equitable financial settlement which hitherto we certainly have not enjoyed. I am confident that in pressing our case we shall receive the fullest support from all quarters of this House.

At the commencement of my remarks I referred to the exceptional conditions under which this Council meets here to-day. Even in normal times, when we are relatively free from economic and constitutional anxieties, we are wont to regard peace and tranquillity as essential for progress and prosperity: in times of exceptional stress such as we are now experiencing and, I trust, passing through, I should have thought that it would have been generally recognised that the only course of safety was for people to "get together"—to co-operate with Government and among themselves to solve the constitutional problems that are before the country and to tide over the economic crisis. I have little doubt that the wish of the vast majority of the people of this country is for peace—peace to admit of an advance towards a settlement of their economic and their constitutional problems. There is one section of

opinion, however—very definitely a minority as the events of the past month have shown—which has chosen this of all moments to endeavour to divide the country and to force upon Government the necessity of diverting its attention from the promotion of constitutional reform and economic revival to the formulation of special measures designed to safeguard the State against disruption and the individual against attacks on his personal liberty. For these are the sole objects of the recent Ordinances. I am not here to apologise for the Ordinances. The issue of Special Ordinances has been forced upon Government by those who, whether secretly by bomb and pistol or openly by methods no less unconstitutional, have declared in specific terms their intention of bringing the administration to a standstill and of forcing upon the Government and people of this country the will of a minority. The open challenge contained in the threat to revive the Civil Disobedience Movement was a challenge which no Government could for a moment hesitate to take up. To meet it the Government of India have armed themselves and the local Governments with special powers which are, and were intended to be, of a wide and drastic nature. In doing so the Government of India were only arming themselves against the possibilities which past experience and the explicit threats of the Working Committee appeared to render imminent. No one will be better satisfied than the authors of these same Ordinances if their provisions need not be further put into effect. Let me make it clear once and for all to this House that the Ordinances are directed solely against those who engage in movements subversive of the safety of the State and the liberty of their fellow-citizens. No law-abiding person need have any apprehension in regard to them. Indeed the condition of this Province after a month of the Emergency Powers Ordinance—the small extent to which it has been found necessary to employ its provisions or those of any other of the new Ordinances—amply demonstrates that the Ordinances are not, as they are sometimes represented to be, engines of oppression: they are rather the reserve of power which the Government have taken to themselves and extended to their officers to meet if need arises (and only if need arises) a condition of affairs in which the only alternatives are a firm exercise of authority or complete anarchy and chaos. This is the spirit in which the Ordinances were promulgated and it is the spirit in which they are being operated in this Province. The sooner we can give up this reserve of power the better we as a Government shall be pleased: but so long as the emergency persists, this reserve of power must be retained and where necessary utilised. I wish to make myself perfectly clear and explicit on this point.

Unfortunately in this Province we have been and still are confronted with the activities of certain gangs whose object is to terrorise Government and its officers and any who stand in the way of their nefarious designs. Since last this Council met we have witnessed attacks on

officers—European and Indian—and on members of the public. Government have been given special powers and have undertaken special measures to afford protection both to their officers and to the public——for, make no mistake about it, the menace of terrorism, once it takes deep root, will not be confined to those who may from time to time be in the position of exercising executive or judicial functions in the public service: already we have had ample proof that the lives of witnesses, of men in public life, of men of property are subject to attack at the hands of those who do not scruple, in the furtherance of their revolutionary conspiracy, to make use of young girls as the instruments of their murderous designs. I say we have been given special powers for dealing with this menace: we are using and mean to use those powers until the menace is eradicated. But I venture to repeat here what I have already said in public elsewhere that the main remedy against terrorism——the remedy which will most quickly, surely and permaneatly render its continued existence impossible in this country——is the manifestation of that detestation and refusal to tolerate its existence which all decent citizens must certainly feel and which many of you have expressed to me in private. If public opinion demands its cessation and if the public of all classes will come forward to help in its eradication the movement must perish. It is that public opinion which I am anxious to see mobilised and I feel that in this respect you all carry an individual responsibility as members of this Council. The direction to which I must look for a lead in the formation of sound public opinion must obviously be the direction of this House, containing, as it does, the elected representatives of the people. The opportunity of giving such a lead to the Province, and to other provinces similarly threatened, will undoubtedly be yours during the session now commencing. I trust, and I appeal to you, that the opportunity be not allowed to pass unheeded.

[His Excellency the Governor then left the Council Chamber, preceded by the Hon'ble the President.]

(On the return of the Hon'ble the President.)

Maulvi SYED JALALUDDIN HASHEMY: Sir, I rise to a point of order. Sir, if you had not been presiding at the time how could you call me to order?

Mr. PRESIDENT: Order, order. It was very unfortunate that you rose in your place at a moment when the Governor was about to address the Council. I was unable to persuade myself to believe that a member of this House could be so ignorant of Parliamentary conventions as to raise a point of order when His Excellency rose to speak. (Hear, hear.) As to your contention, I might tell you that I was certainly not presiding over an ordinary meeting of the Council.

It was a special meeting and we were assembled here for the time being only to listen to His Excellency the Governor. It is a very well-known fact that when a meeting of the Council is called to enable the Governor to address members of the legislature they listen to him in silence. (Hear, hear.)

Maulvi SYED JALALUDDIN HASHEMY: On a point of order, Sir, I want to know this information. Section 72A of the Government of India Act says that His Excellency the Governor is not a member of this House, but he can address the Council at any time——

Mr. PRESIDENT: Order, order, You are again raising the same issue under the shelter of section 15 (2).

Maulvi SYED JALALUDDIN HASHEMY: I want to know without any prejudice——

Mr. PRESIDENT: Order, order.

8-15 p.m.

Obituary References.

Mr. PRESIDENT: Gentlemen of the Council, it is my melancholy duty under the settled practice of the House to offer the last tribute to the memory of three past members of the Council whose loss we have lately had to deplore.

Khan Bahadur Maulvi Aman Ali, who died on the 12th October last, represented the Muhammadan community of the Chittagong Division in the Bengal Legislative Council from 1917 to 1920 and was for a time in 1925 a member of the Council of State elected thereto by the East Bengal (Muhammadan) constituency. The late Khan Bahadur was the first non-official Chairman of the Chittagong District Board, the first Indian Chairman of the Chittagong Municipality and a leading pleader and Honorary Magistrate of Chittagong. The title of Khan Bahadur was conferred on him in 1925.

Mr. Sasi Sekhar Bose, who died on the 18th November last, was a member of this Council from 1926 to 1929. After successful University career he practised as an Advocate of the Calcutta High Court. He was long connected with the District Board of the 24-Parganas as Chairman, Vice-Chairman and member and was well-known for his public activities.

Rai Bahadur Priya Nath Mukharji, I.S.O., who died on the 25th November last, was a nominated official member of the Bengal Legislative Council from 1913 to 1919. He joined the Bengal Provincial

Service in 1885 and served in several places and in various capacities. For a time from 1906 he served as Secretary to the Corporation of Calcutta and ultimately in 1912 became the Inspector General of Registration, Bengal, which post he held till his retirement in 1919. His connection with such charitable and humanitarian institutions as the Calcutta Blind School, the "Refuge" and the Saroj Nalini Dutt Memorial Association for women's work is well-known to the residents of Calcutta and elsewhere. He was a man of great charm of manner. In recognition of his services he received the title of Rai Bahadur in 1912 and was made a Companion of the Imperial Service Order in 1917.

It will be, I am sure, the wish of the Council that an expression of their deep sympathy and of appreciation of the public work of our late colleagues should be sent to the relatives of the deceased gentlemen.

I would now ask you, gentlemen, to signify your assent by kindly rising in your places.

[The members having risen in their places.]

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will please take the necessary action.

Starred Questions

(to which oral answers were given).

Appointment given to the candidates belonging to the backward classes.

*1. **Babu AMULYADHAN RAY:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing—

(*i*) how many appointments have been made in Bengal since the issue of the Appointment Department memorandum Nos. 3540-3554A., dated the 28th April, 1931, in every department to which the said memorandum applies; and

(*ii*) how many of the said appointments have been given to the candidates belonging to the backward classes?

(*b*) Will the Hon'ble Member be pleased to state what caste each of the appointed candidates from the backward classes belongs to?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The first return under the memorandum referred to is not due until 30th April, 1932, and Government will supply the member with the information he desires as soon as it is available.

(*b*) Government are not prepared to differentiate between the different castes included among the backward classes.

Recruitment of ministerial officers from backward classes.

***2. Mr. SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing—

(*i*) the names, qualifications, and caste of each of the ministerial officers recruited by the district authorities of Faridpur, Bakarganj, Dacca, Rajshahi, Pabna and Rangpur districts after the circulation of Appointment Department memorandum Nos. 3540-3554A., dated the 28th April, 1931; and

(*ii*) the number of them in each of those districts that belong to the backward classes?

(*b*) Will the Hon'ble Member be pleased to state the population of the backward classes and other Hindus in the districts of Faridpur, Bakarganj and Khulna?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The first return called for by the memorandum referred to is not due until 30th April, 1932, and Government propose to await it and to communicate the figures asked for to the member as soon as they are available.

(*b*) The figures of the census of 1931 have not yet been received. The figures for the census of 1921 are available in the published Census Tables to which the member is referred.

Report on the Chittagong occurrence.

***3. Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a copy of the report made by Messrs. W. H. Nelson, I.C.S., and T. J. A. Craig, I.P., on the occurrence in Chittagong?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): Government have decided that it is not in the public interest to publish the report.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether public interest would not be concerned in the publication of the report?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing more to add.

Mr. B. C. CHATTERJEE: Does this "Government" include the Ministers as well?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing to add to the answer already given.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether Government have taken any action on the report?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing to add.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the report supports the version which was given by the Government on very high authority?

Mr. PRESIDENT: I do not allow that.

Mr. B. C. CHATTERJEE: Does the word "public" refer to the Indian public, or the Anglo-Indian public?

The Hon'ble Mr. W. D. R. PRENTICE: Presumably it depends on Mr. Chatterjee's interpretation.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether there was any special inquiry on the report of the Commissioner?

The Hon'ble Mr. W. D. R. PRENTICE: The report itself was based on an inquiry.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether Government contemplates the issue of any communique on the riots in Chittagong in September last?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing to add.

Mr. B. C. CHATTERJEE: Will the Hon'ble Member be pleased to state whether he has ascertained if the public demand the publication of this report?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing to add.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether the inquiry was ordered as the result of an absolute demand in public interest?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state how the publication of the report will affect public interest?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask the member to form his own conclusions.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether Government is in complete agreement with the report?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing to add.

Mr. PRESIDENT: I do not think it will serve any useful purpose to put more supplementary questions because the Hon'ble Member is not inclined to add anything to his answer. I will allow one more question only and that will be the last.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether his replies are consistent with the call for co-operation made by Government?

Mr. PRESIDENT: I do not allow that.

Mr. B. C. CHATTERJEE: Sir, as you did not allow that question may I put one more question?

Mr. PRESIDENT: Mr. Chatterjee, you are inexorable and acute like all clever lawyers. (Laughter.)

Mr. B. C. CHATTERJEE: Will the Hon'ble Member be pleased to state whether Government are aware of the challenge thrown out by Mr. J. M. Sen Gupta that the Magistrate of Chittagong encouraged *goondas* to attack the public of Chittagong?

The Hon'ble Mr. W. D. R. PRENTICE: Mr. President, does that arise on this question? I ask for your ruling.

Mr. PRESIDENT: I do not know if this is included in the report. (Laughter.) It is up to the member to answer or not answer the question, as he likes.

The Hon'ble Mr. W. D. R. PRENTICE: Government are aware.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. Cannot you give us any relief when an Hon'ble Member refuses to give us any information on any subject?

Mr. PRESIDENT: This point was raised several times in the House, and I have stated repeatedly that it is a question of privilege. There is no rule which may enable me to compel a member of Government to reply.

Babu JITENDRALAL BANNERJEE: Surely, Mr. President, the hon'ble members of the Council are entitled to receive replies to their questions. This refusal attacks the right of the members of the House to ask questions and receive adequate replies. If the Hon'ble Members do not answer questions, then what is the use of our coming here at all?

Mr. PRESIDENT: I have told you several times that the Chair always wishes to see you fairly treated, but rules do not help.

Babu JITENDRALAL BANNERJEE: It is not so; the rules do help——

Mr. PRESIDENT: Order, order.

Mr. NARENDRA KUMAR BASU: Would I be in order to ask for leave to move for an adjournment of the House on account of the Hon'ble Member's refusal to supply information?

Mr. PRESIDENT: If you intend to move any motion for an adjournment, you must let me have notice of it and I will judge your motion on its merits.

Placing of printing orders of the semi-Government bodies with private presses.

***4. Mr. K. C. RAY CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that the Bengal Government have a press of their own furnished with all up-to-date equipment and efficient staff?

(*b*) Is it a fact that the printing orders of the semi-Government bodies like those of the Calcutta Improvement Trust and the Port Trust are not placed with the Bengal Press?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state whether he knows why the printing orders of the semi-Government bodies are placed with outside contractors?

(*d*) What action, if any, does the Government intend to take in the matter?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*) Yes.

(*c*) Because the rates offered by the private presses are cheaper than those of the Bengal Government Press.

(*d*) None.

Mr. K. C. RAY CHAUDHURI: Will the Hon'ble Member be pleased to ask the Superintendent of Government Printing to quote the competitive rates to the Improvement Trust, the Port Trust and other semi-Government bodies in view of the paucity of work in the Government Press?

The Hon'ble Mr. A. MARR: I have made inquiries about this and find that we cannot possibly quote rates against private presses.

Officers after 25 years' service.

***5. Rai KAMINI KUMAR DAS Bahadur:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether Government contemplates retiring officers after the completion of 25 years' service?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any change in the present rules is under contemplation?

The Hon'ble Mr. A. MARR: (*a*) No.

(*b*) The question does not arise.

Bhairab Bazar police-station.

*6. **Mr. ANANDA MOHAN PODDAR:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that there is no bank or treasury in the important trade centre of Bhairab Bazar in the district of Mymensingh for the facility of safe deposit and conveyance of money?

(*b*) Will the Hon'ble Member be pleased to state the number of constables at the Bhairab Bazar police-station?

(*c*) Is it a fact that some of the constables from amongst those at the police-station are occasionally sent out into the interior for investigation and other purposes?

(*d*) What minimum number of them is retained permanently at the police-station?

(*e*) Are the Government considering the desirability of –

(*i*) increasing the number of police constables to be permanently retained at the Bhairab Bazar police-station; and

(*ii*) arranging for at least four armed police pickets at the important places of Bhairab Bazar?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Government are aware that there is no sub-treasury at Bhairab Bazar.

(*b*) The sanctioned number of constables at Bhairab Bazar police-station is 11. There is also a River police-station at Bhairab Bazar with a sanctioned strength of 8 constables, and a Railway police-station with a sanctioned strength of 8 constables.

(*c*) Yes.

(*d*) Under the rules, 2 constables are required to be present.

(*e*) No such proposals are under the consideration of Government.

Establishment of an agricultural institution at Rajshahi.

*7. **Babu KISHORI MOHAN CHAUDHURI:** Will the Hon'ble Minister in charge of the Education Department be pleased to state what progress has been made for establishing an agricultural institution at Rajshahi, utilising the endowment created by late Kumar Basanta Kumar Roy of Dighapatia in his last Will and offered to be supplemented by the executors to his estate ensuring an annual income of nearly Rs. 18,000 for the advancement of higher agricultural education especially in North Bengal?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): No scheme has yet been formulated which is acceptable both to Government and to the executors of the late Kumar Basanta Kumar Roy. The Director of Public Instruction and the Director of Agriculture propose to meet the executors at Rajshahi shortly to discuss the matter again.

Uniform cut in the salaries of public servants.

*8. **Babu AMULYADHAN RAY:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether the Government is aware of the recent 10 *per cent.* uniform cut in the salaries of public servants in Bengal?

(*b*) What would be the possible savings from this cut in the year 1932?

(*c*) Will the Hon'ble Member be pleased to state whether the Government will be in a position to balance the budget?

(*d*) Is it a fact that some hon'ble members of this House sent a memorandum to the Government requesting them not to touch the pay of low paid officers and clerks drawing Rs. 100 and less per month without taking this hon'ble House into confidence?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state why the said request has not been complied with?

The Hon'ble Mr. A. MARR: (*a*) Yes.

(*b*) A saving of nearly Rs. 37 lakhs is anticipated in the year 1932-33.

(*c*) The information will be given when the budget is presented.

(*d*) Yes.

(*e*) It was considered essential to introduce the cut as early as possible which precluded consultation with the legislature.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to answer (*e*), will the Hon'ble Member be pleased to consider the matter now?

The Hon'ble Mr. A. MARR: Does the hon'ble member mean that Government should reconsider the matter?

Babu SATISH CHANDRA RAY CHOWDHURY: Yes.

The Hon'ble Mr. A. MARR: I am afraid Government are not in a position to do that.

Transfer of a part of Bengal to proposed Orissa province.

*9. **Mr. SHANTI SHEKHARESWAR RAY:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government of Bengal has been consulted in connection with the transfer of a part of Bengal to the proposed new province of Orissa?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table the views of this Government in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The answer is in the negative.

(*b*) This does not arise.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he is aware that the Government of India committee appointed to inquire into the matter, took some evidence in this connection?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member aware that the question has caused considerable excitement in the district of Midnapore?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know whether it has caused considerable excitement, but it has caused some interest.

Mr. SHANTI SHEKHARESWAR RAY: Does Government intend to take any steps in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: I presume that when the report of the Committee is submitted, the Government of India will consult the Government of Bengal on the recommendations.

Unstarred Questions

(answers to which were laid on the table).

Process-servers' establishment boat-hire.

1. **Maulvi HASSAN ALI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the last three years the total amount of boat-hire—

(*i*) realised in the Civil Courts of Bengal (Process-servers' establishment); and

(*ii*) paid to the Civil Court process-servers of Bengal?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) and (*ii*) A statement is laid on the table.

Statement referred to in the answer to clauses (i) and (ii) of unstarred question No. 1.

	Realisation.	Expenditure.
	Rs.	Rs.
1928-29	1,45,308	1,29,298
1929-30	1,38,053	1,20,533
1930-31	1,17,653	1,05,603

Process-servers.

2. **Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a copy of the schedule of the specific grievances submitted by the Process-servers' Association?

(*b*) Will the Hon'ble Member be pleased to state, what action, if any, has been taken in the matter?

(*c*) If no action has been taken, what are the reasons?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) A copy of the memorandum has been placed on the Library table.

(*b*) The individuals affected were directed to prefer their respective complaints to their superior officers.

(*c*) Does not arise.

Process-servers.

3. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a copy of the schedule of the specific grievances submitted by the Process-servers' Association?

(*b*) Will the Hon'ble Member be pleased to state what action, if any, has been taken in the matter?

(*c*) If no action has been taken, will the Hon'ble Member be pleased to state the reason therefor?

The Hon'ble Mr. W. D. R. PRENTICE: The hon'ble member is referred to the replies given to similar questions asked by Maulvi Hassan Ali at this meeting.

Number of dacoities and robberies.

4. Mr. ANANDA MOHAN PODDAR: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the years 1930 and 1931 and for the several districts of Bengal—

(*i*) the number of dacoities, robberies and other outrages committed on properties and lives of merchants, money-lenders and zamindars;

(*ii*) the names of places of their occurrence;

(*iii*) the names of the victims;

(*iv*) the amount of losses sustained by them;

(*v*) how many of such cases have been sent up by the police;

(*vi*) how many have been convicted with the names of the accused in each case; and

(*vii*) the nature of the punishment awarded?

The Hon'ble Mr. W. D. R. PRENTICE: The information asked for is not available and Government are not prepared to undertake the laborious inquiries which are required in order to obtain it.

The general crime figures for 1930 will be found in the Police Administration Report, a copy of which is in the Library. The figures for 1931 will be available as soon as the Report for 1931 is published.

Subordinate Judge, Malda.

5. **Raja BHUPENDRA NARAYAN SINHA Bahadur:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the Subordinate Judge at Malda is also vested with the powers of an Assistant Sessions Judge?

(*b*) Is it a fact that the Hon'ble High Court recommended to the Government that the court of the Subordinate Judge at Malda be made permanent if a separate judgeship for the said district cannot be created at present?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government is going to accept the recommendation of the Hon'ble High Court?

(*d*) If so, will the Hon'ble Member be pleased to state whether provision for the same will be made in the budget for the coming financial year?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) This recommendation was not made by the Hon'ble High Court.

(*c*) and (*d*) Do not arise.

Rent suits in Mymensingh Civil Courts.

6. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the years 1927 to 1931, in each of the munsifs' courts in the district of Mymensingh,—

(i) the number of suits for enhancement of rents instituted by the landlords;

(ii) the number of these suits decreed *ex parte*;

(iii) the number of these suits decreed on contest;

(iv) the rate of enhancement per rupee of rents demanded in each suit; and

(v) the rate of enhancement per rupee of rents decreed in each suit?

The Hon'ble Mr. W. D. R. PRENTICE: The information asked for is not available, and cannot be obtained without a laborious inquiry which Government regret they are not prepared to undertake.

Maulvi ABDUL HAKIM: Will the Hon'ble Member be pleased to state whether it is not a fact that the rent suits instituted up to the year 1930 have already been disposed of?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Boat-hire—Process-servers' establishment.

7. Maulvi MUHAMMAD HOSSAIN: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the last three years—

(*i*) the total amount of boat-hire realised in the Civil Courts of Bengal (Process-servers' establishment); and

(*ii*) the total amount of boat-hire paid to the Civil Court process-servers of Bengal?

The Hon'ble Mr. W. D. R. PRENTICE: The member is referred to the answer given to an identical unstarred question put by Maulvi Hassan Ali at this meeting.

Budget deficit.

8. Babu KHETTER MOHAN RAY: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing from the 1st April to the 31st December, 1931,—

(*i*) the receipts under the principal heads of revenue and expenditure under the different heads of Administration; and

(*ii*) the amounts obtained by retrenchment of expenditure and by cuts in the salaries of the Government servants?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) what is the amount of deficit, if any, up to 31st December, 1931; and

(*ii*) what would be the probable amount of deficit up to the 31st March, 1932, for carrying on the administration of the local Government?

(*c*) How does the Government propose to meet this deficit?

The Hon'ble Mr. A. MARR: (*a*) (*i*) The figures are not yet available.

(*ii*) The information will be given on the 22nd February, 1932, when the budget for 1932-33 is presented to the Legislative Council.

(*b*) (*i*) and (*ii*) I am not prepared to anticipate my budget statement which will be made on the 22nd February, 1932, when the budget for 1932-33 is presented to the Legislative Council.

(*c*) The information will be given on the 22nd February, 1932, when the budget for 1932-33 is presented to the Legislative Council.

3-30 p.m.

NON-OFFICIAL MEMBERS' BUSINESS

Resolutions

(on matters of general public interest).

Economic distress.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, in the absence of Dr. Sen Gupta, I should like to move the resolution on his behalf.

Mr. PRESIDENT: Have you had a talk with him? Did he ask you to move it.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: No, but the matter is rather——

Babu JITENDRALAL BANNERJEE: If you permit me, Sir, to move the resolution formally, I should like to do so in order that a discussion may take place. I have Dr. Sen Gupta's necessary permission to move it formally. He has forgotten to place before me certain papers which he said——

Mr. PRESIDENT: Order, order. I am not concerned with his papers. Anything that you might say must be on your own responsibility.

Babu JITENDRALAL BANNERJEE: Certainly. How can I ask anybody else to take responsibility for what I would say.

Mr. PRESIDENT: What I said is this: You are Dr. Sen Gupta's proxy. But nevertheless it is not permissible for you to refer to any speech or any paper which Dr. Sen Gupta might have prepared relating to this motion.

Babu JITENDRALAL BANNERJEE: I certainly did not get up to speak on his behalf but to move the resolution formally.

Mr. PRESIDENT: But do you see my point?

Babu JITENDRALAL BANNERJEE: I see your point, Sir. But it is a pity that you do not understand mine.

Mr. PRESIDENT: Order, order, I am afraid you have failed to catch my point. I asked you not to base your remarks pointedly on Dr. Sen Gupta's papers as we are not concerned with his papers. We are concerned only with the resolution and your remarks thereon.

Babu JITENDRALAL BANNERJEE: But surely I was entitled to mention the thing. I was not going to use his papers at all.

Mr. PRESIDENT: Gentlemen of the Council, it appears that Mr. Jitendralal Bannerjee wants to persist in paying no heed to the instructions given by the Chair and so I am reluctantly compelled not to allow him to move this resolution on behalf of Dr. Sen Gupta.

Maulvi ABUL KASEM: On a point of order, Sir. Here is an important resolution tabled for discussion in the House, and on account of the unfortunate attitude taken by one of the members he is not allowed to move this resolution.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. I do not object to your decision or your remarks because your position is privileged. You as President can say whatever you like. But why should another member characterise my attitude as unfortunate.

Mr. PRESIDENT: You cannot prevent a member expressing his opinion of your attitude. However that may be, in view of the fact that the House seems to be in favour of discussing this resolution, I would ask Nawab Musharruf Hosain, Khan Bahadur, to move it.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I beg to move the resolution that stands in the name of Dr. Naresh Chandra Sen Gupta, namely:—

"This Council recommends to the Government that a committee consisting of official and non-official members of the Council and experts be appointed to make a systematic examination of the present economic depression in Bengal and to make suggestions as to what temporary and permanent measures may be taken to alleviate the present distress and ensure a steady economic progress of the people of the Presidency."

Sir, I think I would not be justified in keeping silent and seeing such an important resolution being passed over on account of the absence of the mover of it. Sir, you are aware of the economic distress that is prevailing in Bengal, and the acuteness of it has just this afternoon been expressed by no less a personage than His Excellency while he was delivering his address here. As regards the nature of the distress His Excellency has also pointed out that it has affected all classes of people in Bengal. It has affected the people to so large an extent because all the staple crops, rather the revenue-producing crops, have not been fetching the prices that they ought to have fetched.

The economic condition of the middle-class who used to get something out of the small savings of poorer classes as also the conditions of the latter have been very acute. Their condition is so hopeless that it has really become a problem to be solved by the Government as well as the public.

As regards the condition of the higher class of people, it has become worse than the condition of all others. Their condition has really become intolerable. You are perhaps aware, Sir, that almost all the smaller banks of Bengal have suspended payments. These banks used to deal with five to six crores of rupees which was in circulation for different purposes in Bengal. Now all on a sudden when that money has stopped circulation, everybody, high and low, has been feeling the pinch of distress and they have been asking for some relief from the Government at this critical juncture. Some people, that is to say, those who are fortunate enough to have their properties managed by the court of wards have got some relief. But as for others, their position is practically hopeless.

As regards the landlords, you are aware, Sir, that almost 90 per cent. of them are in debt, and what is their position? They cannot pay their land revenue. The money-lenders who advance them money have been taking advantage of their present economic distress and asking for repayment of loans which it is impossible at this critical time to do, when the whole country is affected. You are well aware, Sir, that the difficulties through which the landlords are passing are of

a serious nature and require thorough investigation. Something must be done and that too with promptness to save the landlords from the financial embarrassment to which they have been put. This is so far as the zamindars and other landlords are concerned.

As regards the people who are in trade, it is well known that they are also in a similar condition. Five to six crores of rupees that was in circulation does not see the light of the day now, and people in the business profession used to rely on this money in circulation. In north Bengal, from one end of my division to the other, I do not know if there is a single person who can now give Rs. 50,000 on loan even though the borrower was prepared to give 10 or 12 or 15 per cent. interest. The reason is that all money is practically booked. The same is the case in the other parts of Bengal. If Government are not prepared to do something to remove the present economic distress of the Province, the people of Bengal will be ruined. That being the position, Sir, I fervently hope that Government will do something for the people. This is the only resolution now before the House which can do some good to the people of Bengal who are feeling such acute economic distress and I would ask Government to accept the resolution. But the mere acceptance of the resolution does not mean the solution of the problem. I know that committees and commissions of inquiries are practically held by persons who have some interest in the administration of the country. But time is allowed to pass and nothing is done at least for the time being. I hope, if this resolution is accepted, prompt action will be taken by Government to get the report from the committee and something tangible will be done to relieve the distress of the people.

3-45 p.m.

Babu KHETTER MOHAN RAY: Mr. President, Sir, in rising to speak on this resolution, I may be permitted to say that the present economic crisis through which our country is passing is most acute and has reached the bottom. If it persists for a considerable time it may wreck civilisation. Every branch of human activity, every department of life has been in a manner paralysed by this crisis unparalleled in recent history. Its baneful influence is felt everywhere. No doubt this economic depression is world-wide. Every country is more or less affected by trade depression. In spite of the world-wide character of the depression, it is the bounden duty both of the Government and the people to put their heads together in order to devise measures to alleviate the present distress and counteract its evil effects, and to ensure a steady economic progress of our Presidency. It will be a sad mistake if the Government think that because of the world-wide nature of the crisis they have no immediate duty to move

in the matter. Though it may not be possible to do away completely and effectively with economic depression, still some measures may be devised to alleviate the sufferings of the people and counteract the evil effects of the crisis.

In Bengal, which is pre-eminently an agricultural country, people ascribe their miseries to the abnormal fall in prices of jute, rice and other agricultural products. Unless the trade of the world improves, we cannot expect that prices of our agricultural products will rise in the near future. The disastrous effects of the crisis are seen everywhere. Incomes of the Government and the people are gradually dwindling in spite of reluctance of the Income-Tax Department to admit what is an apparent state of things. The internal trade of the country is in a moribund condition. Debtors cannot pay their debts to the creditors; tenants are reluctant to pay rents to the landlords. Over and above this, some "comrades" and other mischievous persons, taking advantage of the distressed condition of simple and illiterate peasants and artizans, are making propaganda in the Tippera and other neighbouring districts for non-payment of rents to the landlords and dues to the creditors and traders. They are preaching communistic ideas and the simple villagers are led to believe that "Swaraj" will be coming soon when they will not be called upon to pay debts and rents and taxes. In many villages, "Swaraj" committees have been formed and nobody is allowed without the permission of these committees to pay debts or rents or to go to courts for redress of their grievances. If any person transgresses this rule, he is severely punished. It has become a paying concern with these mischievous persons to make such propaganda, for they are handsomely paid for their preachings. Unless strong measures are taken to stop this propaganda, it will take a formidable shape which will frustrate any measures that may be taken to rehabilitate the economic life of our Province. In devising any measures for amelioration of the economic condition of the people the question of debts which is weighing heavily on classes of people must be tackled boldly. Debts were contracted at a time when jute was selling at an average price of Rs. 7 to Rs. 8 and rice at a price of Rs. 4½ to 5½. Now the prices have come down by halves. If the debtors in which I include zamindars, mahajans, traders and peasants and joint-stock banks and other classes of people, are called upon to pay the contracted amount with interest at the stipulated rates, they will have to pay double the amounts in terms of the commodity prices. This question, though a very formidable and complicated one, has to be solved in order to give permanent relief to the people without impairing the economic structure of the country. Therefore some such measures must be devised for adjustment of these debts. The matter is urgent and pressing. I hope and trust that Government would be pleased to accept this resolution and appoint a committee as proposed. With these words I support the resolution.

Mr. PRESIDENT: I had better say at this stage that resolutions Nos. 8 and 22 are identical with this resolution, and intending movers thereof may speak now if they so like.

Maulvi SYED MAJID BAKSH: I rise to support this important resolution. I would like to say at the beginning that the Nawab Sahib was somewhat right in saying that Committees are formed in order to shelve a question. In this particular case we trust that it will be in the interests of Government themselves not to shelve the question. It is a very important measure and it is to the interests of Government to find out sources of revenue which will give them a progressive income. But unfortunately our finances are so arranged that we have no elastic sources of revenue. The land revenue is a fixed item; and the only change we can expect in this head is a less, rather than a greater amount. It may be due to propaganda or due to the distress, but we cannot expect more. As regards other sources also we find that they are not at all elastic. The only items in which we can expect an increase are Excise and Court-fees. I am sorry to say that to expect an increased revenue from Excise would mean a deterioration of the morals of the people. When that committee is formed I would suggest that a definite reference be made to them to recommend ways and means for an elastic source of revenue, so as to give Government a progressive income. It is high time, in view of the increased responsibilities we are undertaking and the increased expenditure we are expected to meet, that our revenue must be made progressive and elastic in its nature. Otherwise we should have to apply to the Government of India to give us some sources of revenue which are of an elastic nature. I do not know whether that Government will give us any such thing but I think that it is only through a committee that we can arrive at such a decision, and this finding will strengthen the local Government in writing to the Imperial Government for allocation of such a source of income. For example, income-tax might be made over to us up to a certain percentage——

The Hon'ble Mr. A. MARR: On a point of order. I would like to know what the member means, for income-tax is a central subject. Besides, income-tax has been lately increased.

Maulvi SYED MAJID BAKSH: I am glad to find the Hon'ble Member, in view of economic pressure, is against an increase in income-tax. But I beg to say that this demand is a very moderate demand and the revenue of this Province will be greatly increased if it is acceded to.

It is a resolution upon which it is not necessary to make a long speech. I support it and I hope the House also will support it.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, as everybody in this House is aware, the present economic depression in this Province is a part of a world-wide depression, brought about by causes, many or most of which are general and affect every country including ours, and perhaps only a few of which are local. So far as the general causes are concerned, hon'ble members will realise that it is not up to any single government on the face of this earth to deal with them, though every government can mitigate, at least in part, the effect of the local causes which are peculiar to its own State. And as such, I would like to assure the hon'ble mover that this Government have also not been unmindful and have done to the best of their power to mitigate the effects of the world-wide depression on this Province.

I now, Sir, propose to state briefly what some of the departments under my charge have been able to do in this direction.

Taking up the Agriculture Department first, Sir, as is well known, the slump in jute is one of the effects of a world-wide trade depression which has not only affected jute but has brought about a collapse in the prices of all other commodities.

In view of the low price of jute in consequence of there being very little demand for hessian, Government carried on a propaganda last year with the effect that the area under the crop was reduced by 46 per cent. This has had some effect on the price of jute this year which rose for a time to about Rs. 8 per maund. Government have also issued similar pamphlets this year advising the cultivators to restrict this year's sowings also.

In the meantime, the Department of Agriculture have been investigating into the possibility of an extended cultivation of other revenue crops.

The market for exotic tobacco which pays the cultivator about double the return on ordinary tobacco is being organised. In consequence of the steps already taken in this direction, tobacco cultivators in Rangpur benefited to the extent of half a lakh of rupees last season.

The increased cultivation of sugarcane and the possibility of organising small units for the manufacture of sugar are also under investigation. It is hoped that it may be feasible to assist in the establishment of such small units all over the cane-producing tracts of the Province, in which case, not only will the cultivator find an adequate increasing outlet for increased cultivation of cane, as an alternative revenue crop to jute, but an extensive avenue of employment will be opened up to educated young men as managers of such units.

This will incidentally tend to replace imported Java sugar by Bengal sugar, with the consequent transfer of profits amounting to as much as Rs. 7½ crores to Bengal cultivators and manufacturers.

Turning now, Sir, to the Co-operative Department experiments in the direction of the organisation on a co-operative basis of the marketing of agricultural produce have been carried on by the Co-operative Department with success particularly in the directions of paddy sale and milk sale.

It might be argued in this connection that the activities of the co-operative movement should be extended in the direction of marketing of the agricultural produce particularly of jute and on a large scale. To this my reply, Sir, is that a serious attempt had already been made to arrange the sale of jute on co-operative basis but the enterprise was not successful and all the jute sale societies which suffered heavy losses had to be closed down. In this connection I would state the views of the Royal Commission on Agriculture which observed that outside the credit movement, the main function of the Co-operative Department should be to prepare the ground for the advice of experts of other departments, but the need for the application of co-operative principles in other directions is less thoroughly realised, and that before any widespread movement for co-operative purchase and sale can come into being, intensive education in its advantages is necessary, but it is still doubtful whether the time is ripe for expansion of co-operative activity in this direction on a large scale. The credit societies doubtless form the great bulk of the total number of societies. But this is only natural as co-operative effort was first directed in this country towards the provision of easy credit facilities for the agriculturists. Not only it is the simplest form of co-operative societies to introduce amongst illiterate people at the outset, but it is upon this, more than upon anything else, that the welfare of the present peasant community hinges. The Royal Commission on Agriculture recommended only in 1928 that the main activities of the department should continue to be directed to the expansion of the rural credit system.

The great need of the moment is not so much an extension of the movement, into new and untried channels as a consolidation of the ground already covered by the removal of existing defects and by persistent and patient training of the members in co-operative principles. Progress will mainly depend on the extent to which co-operative principles are assimilated and applied by the members in the solution of the problems. There should, however, be no attempt to force the pace of the movement or its development along new channels, as such a course would defeat its own object. As regards the relief given to the cultivators by the co-operative movement, I may say, Sir, that even in such a year as this, inspite of the fact that there have

been very little repayments, the central banks advanced as much as about Rs. 42 lakhs to the members through the primary credit societies during the year ending 30th June, 1931.

Sir, I will not take much longer time of this Council specially as some of the Hon'ble Members of Government might like to speak on this resolution. But, before resuming my seat, I venture to express the hope that after hearing us, hon'ble members of the Council will be satisfied that we have done all that we possibly could, according to the best of our information and in the light of the advice of our departmental expert officers, to deal with the situation.

[At 4 p.m. the Council was adjourned for prayer and it reassembled at 4-15 p.m.].

The Hon'ble Sir B. B. GHOSE: Sir, I do not wish to speak at length on the resolution, but I shall say a few words with regard to the matter so far as it relates to my department. My department is concerned with, Sir, distress due to famine and the low prices of agricultural commodities. The distress this year has been due, as all members of this House are aware, principally on account of the floods and secondly on account of the low prices which all agricultural products fetched.

As regards the floods, the appointment of a committee to combat the vagaries of nature would, I submit, be absolutely useless, because nobody can tell when a flood would be coming. It was only a temporary visitation, which Government got under control with the aid no doubt of private charitable organisations.

With regard to the low prices of commodities, this is due to world economic depression and I do not think that the appointment of a committee by this Government would be of any substantial help. Hon'ble members may be aware that this economic depression is world-wide and not confined only to the province of Bengal. The Madras Government last year appointed a committee and it was a very big committee, and the suggestions contained in their report are followed by us to such extent as is possible for us to do, that is advancing agricultural loans and in other ways relieving the distress of the cultivators. There were other recommendations by the Madras Committee which it was impossible for us to follow for want of funds, and I do not think that the Madras Government accepted them either. Now it seems that the hon'ble movers of this resolution have a robust faith in committees, but from past experience of the recommendations of committees members will no doubt find that it is easy to make recommendations but very difficult to carry them out, because probably they make recommendations requiring large outlay of money which is impossible for any Government to find. Particularly at present, as my friend the Hon'ble Finance Member will be able to point out, we are

unable to find even very small sums of money. Now what will be the probable expenditure of such a committee as the resolution proposes? It is proposed that the committee should consist of official and non-official members of this House and experts. I do not know whether any official member of this House can think of any remedy. There may be non-official members of this Council who have some ideas about the remedy, but I doubt whether their advice will be such as will remove the causes of distress. And experts, Sir, are difficult to obtain. Under these circumstances I hope, that the members of this House will consider whether it would be serving any useful purpose by appointing a committee as suggested. As I have already said, the distress due to the floods has to a great extent been removed. There may be distress coming ahead of us due to failure of crops, but that also is a matter on which no committee can help with its recommendations. I do not want to take the time of the Council, as the larger questions of finance involved in the resolution will be dealt with by the Hon'ble Finance Member.

The Hon'ble Mr. A. MARR: From the point of view of commerce and trade it would take the rest of this afternoon to deal with a matter like this, but I am afraid, Sir, that it would be quite impossible for you to allow me the time which ordinarily I should like to have had to deal with this important resolution. I have, therefore, reduced my remarks to a minimum.

This resolution raises one of the most important questions at present before us—indeed a question even more intimate and more important than the political and constitutional issues which are agitating India so much at the present moment. This resolution draws our immediate attention to a problem which concerns everyone both in their public and in their private capacity and one which is engaging the closest attention of every Government in the world.

My colleagues in the Revenue and Agricultural Departments have dealt with the issues in this resolution, as far as they are concerned. It is now left for me to deal with the more general aspects which link up this state of affairs in Bengal with similar conditions throughout the whole world.

The resolution refers to the present economic depression in Bengal, but it would be wrong to treat this as an isolated problem without considering its relationship to what is happening in the rest of the world. At the present moment in every civilised country a state of economic depression almost unparalleled in history has come about; trade and commerce have been almost at a standstill and the money market is still at its wit's end how to tackle the situation. In India, where both economic and political causes have contributed to the

general trouble, almost every provincial Government is working at a very serious deficit and the House is well aware of the difficulties with which the Government of India have been faced in trying to balance their budget.

But, badly off though Bengal and other provinces may be, I doubt if we are worse off than other countries, for no country in the world has escaped this depression. During the past year Australia was faced with a crisis of such magnitude that she was forced to take the extraordinary step of refusing to pay her full debt charges. Europe is as badly off; even France, which seemed to be weathering the storm better than most other countries, is now unable to find employment for all her people. The United States of America, once considered the most prosperous country in the world, are faced with a huge deficit in their budget and from newspaper reports it would appear that about ten million persons are unemployed in that country this winter. The depression, like a world-wide epidemic, has spared no one, but one hopes that it has now run its course and that the world is on the way to recovery.

So far as India is concerned everybody must have been heartened to read in last Tuesday's paper the report of His Excellency the Viceroy's speech at the opening of the Assembly. I would commend to your notice the passage beginning:—

"I can say with confidence that our economic situation in India is sound and healthy and compares most favourably with that of any other country in the world."

4-30 p.m.

I do not want to read the whole passage. His Excellency ends by saying: "If any of you, gentlemen, had leisure to tour the world to-day, I venture to assert that in no other country would you find such hopeful conditions or such grounds for encouragement."

The most marked feature in business in the last two years has been the fall in commodity prices. After prices reached their post-war maxima during the inflated period of 1919 and 1920, there was a gradual decline up to 1929. On the whole, that decline was not so steep as to lead to a general slump. But towards the end of 1929 prices began to decline much more quickly and more precipitously. This severe decline set in after the Wall Street collapse and the so-called Oustric collapse in France. This decline accelerated until, towards the end of last year, wholesale prices practically all over the world were lower than those of 1914, before the Great War. I do not propose to follow the course of prices in any detail, but I may mention that the wholesale price index for all commodities in Calcutta fell from 201 in 1920 (as compared with a 100 in 1914) to 141 in 1929, 116 in

1930 and 96 in 1931; that is to say, the figures for 1931 were below those for 1914, as compared with other countries. In Great Britain, for example, the index figure for all articles in November, 1930, was 67·4 as against 100 in 1924. This figure fell during 1931 and reached its minimum in September, when it was 59·7.

The general situation in India up to the end of March last year was well summed up in the last Report of the Controller of Currency and I would strongly urge you to look at that Report. It is impossible for me to quote it in full but I would draw attention to the passage beginning:—

"The financial year 1930-31 brought no relief from the economic difficulties which faced the world when the year 1929-30 came to a close and commerce and industry was throughout the period in the throes of an acute depression which was probably unparalleled in its intensity and the widespread nature of its reactions."

It goes on to deal with these matters in detail and finally ends:—

"Whatever the cause, the effect on world trade has been catastrophic."

The Controller goes on to discuss the effect of this collapse on rates of discount in the three most important international money markets and the serious percussions on world finance caused by the large number of bank suspensions in the United States and the Oustric collapse in France. Finally, he sums up the conditions in India in a passage beginning:—

"Economic conditions in India were affected throughout the year by the doubts and uncertainties attending the efforts to settle the country's political future. Although the findings of the Royal Commission appointed to report on the constitutional problem were not published until the third week of June, 1930, the Indian National Congress inaugurated an elaborate civil disobedience campaign early in the year, the effect of which was very pronounced not only on internal trade but also on outside markets where developments in India were being closely watched."

He finally sums up as follows:—

"The world wheat market suffered from a plethora of supplies due mainly to large stocks in the United States of America and Canada and heavy sales by Russia."

All this deals with the period up to the end of last March, but, as I have already indicated, prices fell much further after that date. In September last year the Calcutta wholesale index number actually fell to 91 as against a pre-War figure of 100. Since September, I am glad to say, there has been some recovery and a one-point rise in the succeeding two months.

I would remind the members of this House that the best brains of statesmen all over the world have been turned on to the cataclysm of trade in the last two years. In Great Britain the most authoritative work was done by the Macmillan Committee. Their report became available in the latter half of 1931 and I am afraid that even though the diagnosis of these experts may be correct, they have not shown any clear way to solve the difficulties. President Hoover attempted to stem the tide by announcing a moratorium for War debt payments. This had only a very temporary effect owing no doubt to the fact that the world felt in its bones that a moratorium was not the true solution of the reparations difficulty. Mr. Hoover's statesmanlike action did not avert the financial crisis in Germany and this crisis with its attendent evils led to further crises which in the case of Great Britain culminated in the recent abandonment of the Gold Standard. Other countries have also had to move off gold, but I have neither the time nor the knowledge to pursue this very complicated question. I need hardly say that we in Bengal must depend on the restoration of world conditions for a return of our prosperity, and I may add in this connection that we depend very greatly on the world demand for our jute manufactures. If that world demand gets brighter, Bengal will, in my opinion, pick up more quickly than any other country in the world.

I think every one in this House recognises that Bengal by herself cannot raise or lower world prices. The mover and other speakers on this resolution have confined their remarks mainly to questions of co-operation and agricultural loans. I need not take up the time of the Council as these matters have been dealt with very fully by my colleagues.

The main request in the resolution is that a committee consisting of official and non-official members of this Council and experts be appointed to make a systematic examination of the present economic depression in Bengal and to make suggestions. In the first place, I may remind the House that the committee would be a committee of the provincial legislature and as such it could not deal with bigger questions like banking and credit, which are the concern of the Central Government. In the second place, let me say that we have not the materials at our disposal nor the knowledge to put before such a committee, unless the committee were to confine itself to purely local questions. The major questions which relate to this economic depression have been discussed almost *ad nauseam* by experts in all countries. I would instance, in particular, the Macmillan Committee of Enquiry in Great Britain. That Committee was presided over by Lord Macmillan and was composed of leading experts. It was appointed in November, 1929, to inquire into banking, finance, and credit and the general problems of industry and commerce. That Committee sat for 20 months, and then produced

its report only during the last rains, of which report I am afraid, very few except experts can make either head or tail. I would ask this House before it commits itself to any such committee, to study that report and see what it contains. As I have said, that Committee was composed of all the best experts that could be gathered and it sat for 20 months. As I have already said, if a committee were appointed by this Council it would have to confine its attention only to provincial matters. It has been said that the Madras Government have appointed such a committee. My friend, the Hon'ble Sir Bepin Behari Ghose, has referred to it. There again, I would ask the members of this House to read and consider the report of that committee and see whether they can find anything of real value in it. What I wish to suggest is this. The members who have spoken on this resolution have made various suggestions and I would suggest that this House should leave the departments concerned to examine these suggestions. If, at a later stage, Government feel it necessary to have a committee to examine these suggestions and the departmental findings thereon, then possibly some sort of committee might be convened. But to appoint a committee immediately would, in my opinion, serve no useful purpose but would involve the members of this House and officials of Government in waste of both time and expenditure. I would particularly emphasise the last word "expenditure." You will hear from me in a few weeks' time a statement on the provincial finance of the Government of Bengal, but I can say definitely now that we cannot afford a single pie towards the expenses of any such committee.

In this connection I would like to draw the attention of the House to the remarks made by Sir George Schuster so recently as Wednesday last before the Legislative Assembly. The Assembly rejected, without a division, a resolution for a Committee of Enquiry into the working of the Imperial Bank; and in that connection Sir George Schuster, in his reply, made the following remarks:—

"He also referred to the financial stringency and said that, however much they might try to keep down the expenditure, committees of inquiries did cost money. His own bitter experience had been that, many a time, the reports of these committees did not receive the consideration which even the expenditure on them justified."

Now, I would urge upon the members of this House that the appointment of this committee at this juncture with our present knowledge would be waste of time and money; if inspite of all that I and my colleagues have said, this House still feels that it wants such a committee, I am instructed to say that Government will leave the matter to the free vote of the House. If a division is pressed for, Government officials will not vote and if as a result of the division the resolution is carried, Government will take the matter under consideration.

4-45 p.m.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: I have listened with a good deal of patience to the speeches of my friends in the Treasury Benches. The Minister for Agriculture has said that all that is possible has been done, and so you need not murmur. There cannot be any economic distress in Bengal now after all the steps that the Minister for Agriculture has taken to remove the same. My friend, Sir Bepin Behari spoke in a very low voice, and I could not from this distance, hear all he said. Perhaps he spoke on the agricultural loans that have been given to the poor cultivators for removal of distress that prevails in some affected areas. That is my supposition.

Then I come to my friend Mr. Marr, the Finance Member, who wants to lull us to sleep by saying that it is humanly impossible for anybody to do anything at this juncture to save the country from economic distress. He says look at what is happening in America, Germany, France and other countries; they can do nothing, and they have done nothing. When all that is possible to be done by Government has been done, you people of Bengal should keep quiet. This is the substance of all the speeches from the Treasury Benches. I would like to point out to my friend Mr. Marr that he is probably not right when he says that America has done nothing to alleviate the sufferings caused by the suspension of so many banks in that country. Perhaps he is not aware of the fact that the President of the United States has started a central bank, rather a credit bank there, to revive all those banks who have suspended their payments by giving some loans on the advance of the securities that those banks possess; those securities are not worth very much now, but they are able to get a little money on them. So, if my friend says that nothing has been done there to alleviate distress which prevails there as in Bengal, he is not correct. On the other hand, we should be grateful, the whole world should be grateful to America for the bold step she has taken to revive the banks that collapsed as a result of the economic distress. If our Government would agree to take steps like this, crores of money available in the country will come forward to save the people from this economic distress. Money there is in India—I know as a matter of fact lots of Indian money have gone out of India to raise a little more there. If the Government of India, or if the Government of Bengal would suggest to the Government of India to establish credit banks, to bring the people of India to a better position economically, I believe money will not be wanting. Our Native Princes, some of them have crores of money lying idle; in Bombay there are tons of money lying idle; with all this money to establish security, if credit banks were started on the lines of America, I believe all this distress will at once be alleviated. I ought to make my point clear. The distress that is prevailing in Bengal at present is due to want of money, and not to want of security.

The want of money is due to various causes; so when the security is there, money can be raised, because Bengal is the only place where there is real security, and the real title over the land is with the people. And those people who hold large interests in land are practically without any money; so when the security is there, money can be raised; that is all that I can say. That is the case with America. Then my friend refers to the Macmillan report and says that nothing has come out of this report. I may tell him that although the Macmillan report has not been accepted by the Government of England *in toto*, it has dealt with all the difficult problems of finance, and the information contained in the report we know, has been well mastered by the Members of Parliament and is being acted upon now. Is it not a fact that the present Government of England is not sitting idle like our Government here, but is trying to take all possible steps to alleviate the sufferings of the people there? So is my friend right when he says that the Government of England is doing nothing? You may have read in the papers that even tomatoes have not escaped their notice. The tomato has been taxed 2*d*. in the lb.; why, because the agricultural people of England who grow the tomato as well, are now able to grow the tomatoes on account of this tax, with profit. That is not the only thing; they are daily adding to their list a number of things on which they think they should put a tax to protect their country. So if my friend asks us to believe that other countries are doing nothing, I think he would not be right. On the contrary, as far as our information and knowledge goes, other countries are very seriously tackling the problem, and we may see in a month or two that the budget of England will be practically balanced, and that all their industries, everything, will be protected and the country will be gradually delivered from distress. Now, is it not the duty of the Government of Bengal to see that something is done to relieve the people from the present economic distress, and is it right and proper for them to say that nothing can be done, and that these committees can do nothing and nothing can be got out of them? Of course, there is one thing in Mr. Marr's speech which I am prepared to accept, because I know him to be a thoroughly honest man (laughter). He says that all the suggestions put forward by the various speakers will be carefully considered by Government, and if Government find, after consideration, that a committee should be appointed to consider those suggestions, they would be prepared to agree to the appointment of the committee. But what I say is this. Can you sit idle, while the whole country is in economic distress, even for a moment? What is our position to-day; what is the position of my friends to my right, the multi-millionaires, and of my friends to the left, the merchant princes? Is it not a matter for serious inquiry? Should not the Government of Bengal come to the rescue of the people and give them some sort of relief and not sit quiet and say they can do nothing more? Is it right and proper? I

appeal to you, Sir, that is not the correct attitude for the Government to take, especially in view of what His Excellency the Governor said this afternoon.

[Here the member having reached his time-limit resumed his seat.]

5 p.m.

The motion of Nawab Musharruf Hosain, Khan Bahadur, was then put, and a division taken with the following result:—

AYES.

Ali, Maulvi Nasean.	Khan, Maulvi Tamizuddin.
Baksh, Maulvi Syed Majid.	Maiti, Mr. R.
Banerji, Mr. P.	Mittra, Babu Sarat Chandra.
Basu, Babu Jatindra Nath.	Mookerjee, Mr. Syamaprosad.
Bose, Mr. S. M.	Mukhopadhaya, Rai Sahib Sarat Chandra.
Chaudhuri, Babu Kisheri Mohan	Nag, Babu Suk Lal.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.	Nag, Reverend B. A.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.	Peddar, Seth Hunuman Prosad.
Choudhury, Maulvi Nural Absar.	Rahman, Maulvi Azizur.
Chowdhury, Haji Badi Ahmed.	Rahman, Mr. A. F.
Das, Rai Bahadur Kamini Kumar.	Rai Mahasai, Munindra Deb.
Dutt, Rai Bahadur Dr. Haridhan.	Ray, Babu Amulyadhan.
Eusufji, Maulvi Nur Rahman Khan.	Ray, Babu Khetter Mohan.
Gupta, Mr. J. N.	Ray, Mr. Shanti Shekhareswar.
Hakim, Maulvi Abdul.	Rout, Babu Hooeni.
Hashemy, Maulvi Syed Jalaluddin.	Ray, Babu Satyendra Nath.
Hoque, Kazi Emdadul.	Ray, Mr. Sarat Kumar.
Hosain, Nawab Musharruf, Khan Bahadur.	Sala-ud-din, Mr. Khwaja.
Hossain, Maulvi Muhammad.	Samad, Maulvi Abdus.
Khan, Khan Sahib Maulvi Muazzam Ali.	Sen, Rai Sahib Akshay Kumar.
	Singh, Srijut Taj Bahadur.

NOES.

Austin, Mr. J. M.	McCluskie, Mr. E. T.
Bal, Mr. Sarat Chandra.	Miller, Mr. G. C.
Birkmyre, Mr. H.	Momin, Khan Bahadur Muhammad Abdul.
Clark, Mr. I. A.	Norton, Mr. H. R.
Cohen, Mr. D. J.	Ormond, Mr. E. C.
Cooper, Mr. G. G.	Ordish, Mr. J. E.
Dain, Mr. G. R.	Ray, Mr. Saileswar Singh.
Forrester, Mr. J. Campbell.	Sahana, Babu Satya Kinkar.
Guha, Babu Profulla Kumar.	Sumner, Mr. C. R.
Khan, Mr. Razaur Rahman.	Travers, Sir Lancelot.
Mason, Mr. G. A.	Wordsworth, Mr. W. C.

The Ayes being 41 and the Noes 22 the following resolution was carried:—

"This Council recommends to the Government that a committee consisting of official and non-official members of the Council and experts be appointed to make a systematic examination of the present economic depression in Bengal and to make suggestions as to what temporary and permanent measures may be taken to alleviate the present distress and ensure a steady economic progress of the people of the Presidency."

The decision on the foregoing resolution covered the following resolutions:—

Mr. ANANDA MOHAN PODDAR: "This Council recommends to the Government the early establishment of a board consisting of official and non-official members of this Council, to which non-official experts are also to be added, to make a thorough inquiry regarding the situation created by the present trade and economic depression in the country and to recommend all possible means to relieve the prevailing distress of the people of Bengal."

Maulvi SYED NAUSHER ALI: "This Council recommends to the Government that a committee consisting of official and non-official members of the Council and experts be appointed to make a systematic examination of the present economic depression in Bengal and to make suggestions as to what temporary and permanent measures may be taken to alleviate the present distress and ensure a steady economic progress of the people of the Presidency."

Development of Libraries.

MUNINDRA DEB RAI MAHASAI: I beg to move that this Council recommends to the Government that a committee of inquiry be formed with the following members with powers to co-opt library experts when required to inquire into the library provision in the Province, to draw up a comprehensive scheme on future development and submit its report within three months:—

(1) the Hon'ble Minister of Education;
(2) the Director of Public Instruction, Bengal;
(3) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;
(4) Dr. Naresh Chandra Sen Gupta, M.A., D.L.;
(5) Mr. Syamaprosad Mookerjee, Bar.-at-Law;
(6) Maulvi Abdul Karim;
(7) Khan Bahadur Maulvi Azizul Haque;
(8) Rev. B. A. Nag;
(9) Sir Lancelot Travers, KT., C.I.E., O.B.E., and
(10) myself.

Mr. President, Sir, I should like to state the object I have in mind for moving this resolution. The purpose of the Committee of Inquiry is to ascertain the conditions under which the existing libraries were working and to discover the type of organisation which would most

completely and adequately cover the field. The Committee will have to examine the question of adult education in all its aspects and if it succeeded in drawing up a comprehensive scheme, I believe our popular Minister of Education will take it up in right earnest and will undertake legislation on his own initiative. Sound library service cannot develop without a logical and adequate law. Individual libraries may exist and flourish without authorisation of law but without an enabling Act, an assured trained administration and inter-library co-operation cannot be developed. Library laws have been enacted in almost all civilised countries of the world including the colonies and dominions under the British crown. Let me first take up the case of Great Britain. In October, 1924, Lord Eustace Percy, President of the Board of Education, confirmed the appointment of a Committee formed by his predecessor, Mr. C. P. Trevelyan, the object of which was to inquire into the adequacy of the library provision already made under the public libraries' Acts, and the means of extending and completing such provision throughout England and Wales, regard being had to the relation of the libraries conducted under those Acts and to other public libraries and to the general system of national education. The Committee met 39 times. A questionnaire was issued to all public library authorities, both urban and country, in reply to which an immense amount of information was received and tabulated. The Committee further took evidence from 52 witnesses representing library and municipal associations, educational bodies, librarians and individuals. They presented an almost unanimous report and in due course the recommendations are to be embodied in the law. Under the existing Act, library provision may be made by the councils of the counties, the city of London, Metropolitan boroughs, county boroughs who are the major authorities, each occupying independent territory; but the councils of places not of "county" status, i.e., boroughs, urban districts and rural parishes may remain library authorities.

In South Africa by an Ordinance passed in 1836, the libraries were given the right to receive a free copy of every publication issued in Cape Colony. Provincial legislative authorities make grants to the libraries within their jurisdiction. In 1874, an Act was passed by the legislature of Natal for regulating literary and other societies not legally incorporated.

In Canada, under a general libraries Act of 1854, county councils were authorised to establish four classes of libraries: (1) libraries attached to each school for the use of children and ratepayers; (2) a general public library available to all ratepayers in the municipality; (3) professional libraries of books on teaching, etc., for teachers only; and (4) a library in any public institution under the control of a municipality.

The Australian colonies have all passed separate laws somewhat similar to those in force in other parts of the Empire. New South Wales, Queensland, Tasmania, New Zealand have got their own library laws embodying the libraries as part of the national system of education. I have just mentioned the progress of the library movement in the countries which form part of the British Empire only in the hope that a beginning should be made on similar lines.

It is needless for me to dilate on the marvellous progress of libraries in other parts of the world, specially in countries tested by the fiery furnace of the great War. I should like to mention a few of them just to show how these war-worn countries are striving to raise the general level of intellectual life. Czechoslovakia, for example, has under an Act, passed in 1919, established a whole net-work of libraries. The number of libraries has risen from 3,400 in 1920 to 16,200 in 1926. The State grant for libraries amounts to fifteen lakhs of rupees per annum. In Poland there are 3,000 libraries and when the new library Bill now on the legislative anvil will be passed into law, about 15,000 libraries will come into existence. In Finland, under the library Act of 1928, all libraries have been placed under the direction of a State library board with a Director of libraries under it. The 537 rural communes are now served by 1,000 libraries. The State grants 50 per cent. of the expenditure. Norway has sixty municipal and over one thousand rural libraries under the Ministry of Education which disburses the State grants and sees to the maintenance of proper standards in libraries. Sweden has got 8,500 libraries which receives annually Rs. 15,00,000 from local bodies and Rs. 3,75,000 from the State. Denmark has got the most carefully co-ordinated system of libraries possible. The system of inter-library loan makes all the book resources of the nation available for a reader, no matter where he may live, and reduces the duplication of books to a minimum consistent with actual demand. The wonderful co-ordination is one of the results of the library Act of 1920, which in a sense, nationalised the libraries of the country and placed their development and supervision in the hands of a State library Director assisted by a strong library Inspectorate. In Germany, the Volksbuchereien have spread rapidly and under the direction of Walter Hofmann of Leipzig have been a strictly educative force, since every assistance is given to the reader to enable him to receive the material most appropriate for his development. The Fascist Government of Italy has appointed a Director General of libraries to re-organise the library system of the country. Soviet Russia has resolved to liquidate illiteracy within 5 years and has established 46,759 libraries and is sending out 50,000 travelling libraries to the countryside. In Bulgaria, the Minister of Education had a law enacted in 1928, which has resulted in rapidly increasing the number of Chitalistas, which are a sort of libraries combining the activities of a theatre,

movies, social hall and libraries. In Yugoslavia, the Ministry of Education has established a special department of libraries. This department has already organised more than a thousand village libraries and nearly 700 courses for illiterates in which hundreds of men and women are learning to read and write. In spite of the revolution, and dismemberment, the Minister of Education of Hungary inaugurated in 1923 an elaborate inquiry into the needs and means of effective popular education. As a result of the inquiry, an Adult Education Bill has been drafted. The third chapter of the Bill deals with the library movement and makes it obligatory for villages and towns to found libraries.

Adult education in the United States of America represents new tendencies and developments in educational theory and practice. It emphasises need and desire, not age, as fundamental in education and seeks to impress in public consciousness the basic idea of continuous mind expansion and adjustment as necessary for personal growth and social progress. In Mexico, the Revolution of 1910, created aspirations for popular culture. A department of libraries under the Ministry of Public Education has been established in September, 1920, which has proved so successful that Mexico has now 1,500 public libraries, 1,000 school libraries, 800 industrial libraries and 500 rural libraries. The Department runs a bibliographical magazine entitled El libre y el pueble.

In Japan, an Imperial Rescript was proclaimed in 1872 to the effect that "It is designed henceforth that Education shall be so diffused that there may not be a village with an ignorant family, nor a family with an ignorant member." The first library law of Japan was passed in 1899. In 1926-27, there were 4,337 libraries in Japan. The library law is now being revised for the further expansion of libraries. In Palestine, China and in some other countries of the East the libraries continue to develop. •Even in the Hawaiian Islands, library facilities are afforded to the smallest island having only 15 inhabitants. Now let us come back to India. Baroda leads the way in the development of libraries in the State. In the Punjab, the Government has thrown open all school libraries to the public at large and training in librarianship is given in the University library. Punjab contained 1,769 libraries in 1928. In four districts of the United Provinces circulating libraries have been experimentally created at the expense of the Government and the issue of books in boxes meet and stimulate a demand. Grants-in-aid are also liberally given to the public libraries in the Province. The Madras Government initiated the half grant system. Training in librarianship is given at the University library. It would have been a pleasant task for me if I had a good record to show for Bengal. I am sorry for my disappointment. It is unfortunate that the Government of Bengal happens to be the most backward province in India at least in library matters. Apart from

Calcutta, there is only one library in the province which is the recipient of state aid to the extent of Rs. 25 a month. Comment on this is needless. The time has come for atonement for past omissions, and I hope, the proposed committee should see the dawn of a new era in the library development in this Province.

Now that the Primary Education Act so ably sponsored by our Education Minister, will come into force shortly, the time has come for us to think whether any provision was necessary to keep up the education to be given in these schools at a proper level or to supplement it by further study. If no such provision is made, we shall have to consider whether there was any risk of lapse to illiteracy. If that happened even partially, may I ask whether the money spent over their education would not be a sheer waste of public funds? Was it not our bounden duty to guard not only against the lapse to illiteracy but to provide facilities within easy reach of one and all to further their knowledge at little or no cost? It has been universally acknowledged that library is the only instrument which can be profitably utilised for the realisation of the high ideals of education. A library, if properly equipped and managed, will serve the purpose of an ideal University by itself. As to the risk of lapse to illiteracy, I should like to mention what happened in Rumania. Rumania, which had compulsory Elementary Education Law from 1866, recently realised the futility and the wastage involved in having a scheme of compulsory education without making any provision side by side to supply the books that are necessary to keep up and give exercise to the literacy that is purchased at a heavy cost. As her finances were very poor, she induced her Astras and Atheneums to spread the library movement and threw open eight thousand and odd school libraries to the public at large. I hope the lesson of Rumania should not be lost sight of when the question of compulsory primary education will be taken into consideration.

We should remember that the people of any community are its greatest economic asset. Everything that conserves this human asset and helps to make it more productive and valuable, is of direct economic value to the community. Library is one of the most important public institutions for improving the economic value of this human asset. This economic value of the people is a very real one, even though we may not think of the vastness of this human wealth in terms of rupees, annas and pies. As the betterment and expansion of this new instrument of adult education are essential for the raising of the economic value of this human assets, and also to create an educated electorate that I have brought this resolution for the formation of a Committee of Inquiry to examine the library provision in this Province and to draw up a comprehensive scheme on future development which I commend for the acceptance of the House.

5-15 p.m.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is well known to the members of this House what great interest my friend Munindra Deb Rai Mahasai takes in the spread, improvement and extension of libraries in Bengal. The speech which he has delivered just now will prove that he has taken great pains to collect relevant materials on the subject and there is no doubt that he is very keen and anxious that something should be done to bring about real improvement. But while acknowledging the importance of libraries, I should at the same time say that Government find themselves in a difficult position. Firstly, the policy of this Government, towards libraries, was explained in answer to a question of the mover of this resolution in which it was stated that so far as libraries were concerned, the Provincial Government were not directly and primarily responsible but that they relied on the generous public for financial support and extension.

And secondly, apart from, the question of policy, there is no doubt that at the present time, owing to financial stringency, it will not serve any useful purpose to appoint a committee as proposed by the mover. To begin with, the money to be spent on this committee will be difficult to find. As has been stated by my colleague the Hon'ble Finance Member, on the resolution just disposed of, Government would not be justified in spending any money on anything that they can avoid. Secondly, supposing for argument's sake that we do have a committee and we accept their recommendations, I am afraid their recommendations cannot be given effect to in the near future. In two or three years' time the problems that face the committee now will change.

The mover of the resolution has called attention to the fact that the Primary Education Act has been passed and Government should now make some provision for libraries, so that the boys who are taught in these primary schools may not relapse into illiteracy. It is quite true, but so far the Act has not been brought into operation and we have got to wait and see how we should tackle this question of lapsing into illiteracy of those who pass out from these primary schools. Therefore I submit that if a committee is appointed at the present time their conclusions may be different from the conclusions that may be arrived at by another committee, appointed three or four years hence. Therefore I would ask the mover to consider whether it will be to the interest of the Province at the present moment to appoint a committee when everyone, both inside this Council and outside, agree that we cannot find the money necessary to give effect to the recommendations of that committee. I would accordingly request the mover to withdraw the resolution, because the committee will not be able to do any very effective work.

MUNINDRA DEB RAI MAHASAI: After hearing this explanation of the financial position of Government, I would like to withdraw my resolution.

The question that leave be given to Munindra Deb Rai Mahasai to withdraw his resolution was put but as Maulvi Syed Jalaluddin Hashemy objected to leave being given, it was put to the vote and lost.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Tuesday, the 2nd February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 2nd February, 1932, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 104 nominated and elected members.

Starred Questions

(to which oral answers were given).

Increase of crimes in East Bengal and gun licenses to merchants and traders.

*10. **Mr. ANANDA MOHAN PODDAR:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that there is a great recrudescence of robberies, dacoities and other sorts of outrages on lives and properties of merchants in important commercial and trade centres of Eastern Bengal?

(*b*) Will the Hon'ble Member be pleased to state what precautionary step or steps have been taken by the Government to protect the lives and properties of the merchants in such places?

(*c*) If no steps have been taken, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of taking precautionary measures in the near future?

(*d*) Are the Government also considering the desirability of issuing gun licenses more liberally to the merchants and traders in the affected areas?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The number of dacoities decreased from 1,449 in the first half of 1931 to 675 in the second half, but violent crime is still prevalent.

(*b*) and (*c*) Government are endeavouring to suppress the lawlessness which is one of the causes of the increase in violent crime and has hampered the work of the police.

(*d*) No. Gun licenses are issued by the District Magistrates who have a wide discretion in the matter of issuing licenses.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state if dacoities and similar kind of offences in the mufassal are on the increase since the cancellation of gun licenses?

The Hon'ble Mr. W. D. R. PRENTICE: Not so far as I am aware.

Rai SATYENDRA KUMAR DAS Bahadur: Will the Hon'ble Member be pleased to indicate the procedure that is followed by District Magistrates in regard to the issue of gun licenses?

The Hon'ble Mr. W. D. R. PRENTICE: That laid down in the Manual.

Dum Dum Cantonment railway station platform.

*11. **Babu PRAFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware—

(*i*) that Dum Dum Cantonment railway station platforms are very low and have become a source of danger to the travelling public, specially ladies; and

(*ii*) of the growing importance of the station?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of urging on the railway authorities to take up the work of raising the platforms without further delay?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) (*i*) Government are aware that the platforms are low and are inconvenient to passengers.

(*ii*) Yes.

(*b*) This question was referred by Government to the Railway authorities last year, and the reply was received that the work would be taken up when financial conditions improve. As financial conditions have not yet improved, it is useless for Government to address the Railway authorities again.

Unstarred Questions

(answers to which were laid on the table).

Muhammadans in the public services.

9. Khan Bahadur Maulvi ALIMUZZAMAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) whether the Government declared in the year 1906 that at least 33⅓ per cent. of all appointments in the public services of the Province should be given to Muslims;

(*ii*) whether in the year 1914 during the *régime* of Lord Carmichael the same policy was reaffirmed; and

(*iii*) whether in the year 1925 a *communiqué* dated the 21st December was issued declaring that 45 per cent. of direct appointments in the Bengal Civil Service, both senior and junior, in the Executive branch and the Bengal Excise Service should be reserved for Muslim candidates?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what effect has been given to those circulars during the last 25 years, and with what result?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) No, but a resolution of the Government of East Bengal and Assam in February, 1907, declared that "The proportion of Muhammadans at present employed is altogether inadequate, and serious efforts must be made to increase the proportion so as to bear a more reasonable relation to the importance of the Muhammadans in the community, and to their ability and qualifications."

(*ii*) The policy of the increased employment of Muhammadans was reaffirmed but the figure of one-third was applied to certain appointments and localities only.

(*iii*) Yes, subject to sufficient qualified candidates being available.

(*b*) The policy is being steadily followed and is gradually taking effect.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member kindly state why the proportion with regard to some appointments for Muhammadans is one-third and that with regard to the Bengal Civil Service and the Bengal Junior Civil Service 45 per cent?

The Hon'ble Mr. W. D. R. PRENTICE: According to the orders laid down by the Government of the day.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is it under contemplation to alter this proportion so as to make it uniform?

The Hon'ble Mr. W. D. R. PRENTICE: I have been waiting for notes from some of my colleagues.

Khan Bahadur MUHAMMAD ABDUL MOMIN: As regards answer to question 9 (*a*) (*iii*) is it a fact that there is at present no dearth of qualified candidates amongst the Moslem community?

(No answer.)

Proportion of Muhammadans in the Bengal Civil and Excise Services.

10. Khan Bahadur Maulvi ALIMUZZAMAN CHAUDHURI: Will the Hon'ble Member in charge of the Appointment Department be pleased to state what was the proportion of Muslims in the Bengal Civil Service, both senior and junior, in the Executive branch and the Bengal Excise Service immediately before the issue of the Government *communiqué* No. 16669A., dated the 21st December, 1925, and at the end of December, 1931, or at such other latest date for which figures are available?

The Hon'ble Mr. W. D. R. PRENTICE: The information is given in the statement below.

Statement referred to in the answer to unstarred question No. 10 showing the proportion of Muhammadans in the Bengal Civil Service, Bengal Junior Civil Service and Bengal Excise Service on 1st October, 1925, and 1st October, 1931.

Service.	Total number of appointments on—		Number of Muhammadans on—		Percentage of Muhammadans on—	
	1st October, 1925.	1st October, 1931.	1st October, 1925.	1st October, 1931.	1st October, 1925.	1st October, 1931.
Bengal Civil Service (Executive).	316	318	79	91	25	28·6
Bengal Junior Civil Service.	448	476	134	141	29·9	49.6
Bengal Excise Service.	24	19	7	8	29·1	42·1

Note.—This statement does not include six promotions (three Muhammadans and three non-Muhammadans) about to be made from the Bengal Junior Civil Service to the Bengal Civil Service.

The Hon'ble Mr. W. D. R. PRENTICE: With regard to the statement given in answer to unstarred question 10 there is a mistake in the column of percentage of Muhammadans. The percentage of Muhammadans in the Bengal Junior Civil Service on 1st October, 1931, should be 29·6 instead of 49·6. With your permission, I should like to give an explanation. Members will see that there is a slight decline in the percentage of Muhammadans in the Bengal Junior Civil Service. I have gone into this and the reason is that the number of casualties among Muhammadans has been considerably greater than that amongst the Hindus. The actual recruitment, however, has been in accordance with the orders.

Mr. NARENDRA KUMAR BASU: Is the heavy casualty amongst the Muhammadans due to the fact that they had to undergo less severe medical examination?

The Hon'ble Mr. W. D. R. PRENTICE: They all have to pass the same medical examination.

Muslims in all branches of gazetted and non-gazetted services.

11. Khan Bahadur Maulvi ALIMUZZAMAN CHAUDHURI: Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing the present proportion of Muslims in all branches of gazetted as well as non-gazetted services including ministerial services in this Presidency?

The Hon'ble Mr. W. D. R. PRENTICE: The information required for an answer to this question is not available and could not be obtained without a laborious inquiry which Government regret they are not prepared to undertake.

Process-servers.

12. Maulvi HASSAN ALI: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government have received a copy of the resolutions passed at the twelfth annual session of the Bengal Process-servers' Conference held at Barisal presided over by Maulvi Syed Majid Baksh, M.L.C.?

(*b*) If so, will the Hon'ble Member be pleased to state whether the Government intend taking any action on those resolutions?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) The matter is now being considered by Government.

Rangpur Civil Courts.

13. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of civil suits pending in the civil courts of the Rangpur district—

(*i*) on 2nd January, 1932; and

(*ii*) on the same date in 1931 and 1930?

(*b*) If there has been a fall in the number of pending suits, do the Government contemplate reducing the number of munsifs' courts in the said district?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) 6,301.

(*ii*) In 1931—7,565; 1930—10,371.

(*b*) The matter is under consideration.

Rent execution cases in which decree-holders purchased defaulting holdings.

14. Kazi EMDADUL HOQUE: Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of rent execution cases in 1929, 1930 and 1931, in which the decree-holders purchased the defaulting holdings?

The Hon'ble Mr. W. D. R. PRENTICE: The information asked for is not available and could not be obtained without a laborious inquiry which the Government regret they are not prepared to undertake.

Names of Government servants against whom action was taken under section 124 of the Government of India Act.

15. Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the last two years the names of Government servants in Bengal against whom action has been taken under section 124 of the Government of India Act?

The Hon'ble Mr. W. D. R. PRENTICE: There has been no such case.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Government have considered the name of any Government servant for taking action under section 124 of the Government of India Act in connection with the incidents at Chittagong?

The Hon'ble Mr. W. D. R. PRENTICE: I submit, Sir, this does not arise out of the question.

Mr. PRESIDENT: How do you justify this question, Mr. Ray?

Mr. SHANTI SHEKHARESWAR RAY: The Hon'ble Member says that there was no such case. I want to know whether Government have considered the case of any Government servant under this section, or whether it is a dead letter.

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing to add to what I have said.

Cost of uniforms for dafadars and chaukidars.

16. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is in the contemplation of the Government to postpone the receipt of the cost of uniforms for dafadars and chaukidars from union boards till the accumulated sum in this fund together with interest is exhausted?

The Hon'ble Mr. W. D. R. PRENTICE: Government are not prepared to issue a general order to this effect. Reports recently received show that sufficient reduction of balances has been effected in many districts and action is being taken to effect reduction in the other districts.

Number of persons put on trial for offences of a political nature.

17. Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member in charge of the Political Department be pleased to lay a statement on the table showing, since the Gandhi-Irwin Agreement, up to December, 1931,—

(*i*) how many persons in Bengal have been put on trial for offences of a political nature or arising out of the political movements under the Criminal Law Amendment Act or other laws;

(*ii*) how many of them were discharged or acquitted;

(iii) how many of the persons so discharged or acquitted were subsequently rearrested after such acquittal or discharge under the Ordinances or for detention under the Criminal Law Amendment Act; and

(iv) how many of the persons were so arrested within a fortnight of the discharge or acquittal?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): Government regret that the information cannot be given because the Courts do not classify offences as being of a political nature or arising out of political movements and such phrases are in themselves indefinite.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state what executive authority there is for the classification of political and non-political offences?

The Hon'ble Mr. W. D. R. PRENTICE: If Babu Satish Chandra Ray Chowdhury recollects the numerous discussions about the phrase "political offence" he will remember that Government have always declined to classify offences as political.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state then how is it that he is supposed to be in charge of political prisoners?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware that I am.

Babu JITENDRALAL BANNERJEE: Is it not a fact that the Political Department issue orders in regard to certain class of prisoners?

The Hon'ble Mr. W. D. R. PRENTICE: They are described as detenus.

POINT OF ORDER.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I rise to a point of order. We have been furnished with printed passes for identification and we have no objection to producing our passes when asked. I produced my ticket twice or thrice but still I was detained for five minutes. I at once brought this fact to the notice of the Secretary and Registrar. I also brought this to the notice of the Sergeant-in-charge who said that the chaukidar was right. I protest against this humiliating treatment and I want to know whether it is a Council Chamber or a prison house.

Mr. PRESIDENT: I shall inquire into the matter and certainly do the needful.

Motion for an adjournment of the business of the Council.

Mr. NARENDRA KUMAR BASU: I beg leave to move for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance——

Mr. PRESIDENT: I do not think you need read that out. Will you please hand it over to me.

Leave has been asked by Mr. Narendra Kumar Basu to move a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public interest, namely, the situation arising out of the fact that Government has not thought it fit to publish the report on the Chittagong affairs. I have given my consent to the motion being moved.

The Hon'ble Mr. A. MARR: I wish to have information whether this motion for adjournment arises out of the refusal of a member of Government to answer certain questions. If it is so, I submit that it is quite out of order to allow a motion of this kind. Further, I beg to point out that we received notice of this motion only a few minutes ago and we have had no opportunity of considering this and bring it to the notice of His Excellency.

Mr. PRESIDENT: I may tell the Hon'ble Member that so far as I am concerned, I have treated it as a motion which has nothing to do with any such refusal. I agree that it is not permissible to have any adjournment motion on any such ground and I made it quite clear that in the present case I have to deal with a motion which is restricted to a specific matter, namely, the situation arising out of the fact that Government has not thought it fit to publish the Chittagong report. I must, therefore, rule that the motion is in order. I want to know whether there is any objection to leave being given to Mr. Basu to move it. As regards the time I shall certainly see that it suits all parties.

The Hon'ble Mr. W. D. R. PRENTICE: I object. I submit that this is hardly a matter of——

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Can Mr. Prentice deliver a speech at this stage?

Mr. PRESIDENT: Order, order. Will those members who are for giving leave to move this motion rise in their seats?

[As the requisite number of members rose in their seats the Hon'ble the President admitted the motion and fixed 3-30 p.m., on Wednesday, the 3rd February, 1932, for the discussion of the motion.]

2-45 p.m.

Resolutions

(on matters of general public interest).

Release of persons detained under the Bengal Criminal Law Amendment Act.

Mr. SHANTI SHEKHARESWAR RAY: This Council recommends to the Government to release all persons detained without trial under the Bengal Criminal Law Amendment Act, 1930.

Sir, at long lost the ballot box has been kind to me and I am glad to have this opportunity to press once again the case of my countrymen who have been detained without trial under the Bengal Criminal Law Amendment Act for over a year and a half. I realise that it is hoping against hope to expect that the Government will either accept this resolution or, when it is carried by the House, they will make any effort to respect our wishes in the matter. We know by experience that it is not the way with the Government here.

Nevertheless, I place this resolution before the House with a view to impress upon the Government that in the discharge of their task in maintaining Law and Order in the country they are following a policy which has not the support of a large section of the public.

The policy underlying the Criminal Law Amendment Act has been so often discussed in this Council that it is not necessary for me to go over the whole thing again. We know the attitude of the Government in the matter. Like the gentleman who took to drink under the doctor's prescription but ended as an incorrigible drunkard, the Government began in 1907 with putting under restraint about half a dozen persons —with so many apologies here and in the British House of Commons— now have not the least scruple to intern hundreds of our young men. The Government, moreover, felt much encouraged at the support given by this Council when by a majority of votes this House in August, 1930, entrusted these special powers to their hands. I hope the Council stands disillusioned by this time. I have no hesitation to assert, in view of recent events, that in the exercise of these powers the Government of Bengal have betrayed the confidence placed in them by the Council. I do not think that there is a single elected member in this Council who, when he gave his support to this Bengal Criminal Law Amendment Act, had the slightest idea that this policy would lead to the terrible tragedy at the Hijli Detention Camp on the 16th September last. It is difficult for me to speak with restraint about the occurrence. I shall place before the House the facts, the undisputed facts as stated in the Report of the Hijli Enquiry Committee—a Committee appointed

by the Government, a Committee consisting of officials only—a Committee of two senior members of the Indian Civil Service. They say—

"There is no dispute that the constables opened fire on the main building in the camp where the detenus were residing; and there is no dispute that as a result thereof two detenus, Babu Santosh Kumar Mitter and Babu Tarakeswar Sen Gupta, were killed, one on the ground floor of the building and the other upstairs, and a number of other detenus, twenty altogether, received injuries, and in some cases the injuries were of a severe nature necessitating in one case—the case of detenu Babu Gobinda Pada Dutt—the amputation of the left arm. It is undisputed also that the sentries and some of the constables who entered the compound after the alarm was given were armed with smooth-bore Martini-Henry muskets with triangular bayonets, that those who fired seem to have used ball and buckshot indiscriminately and that some of the injuries on the detenus were gunshot wounds, some were stabs such as a bayonet might have caused and some bruises that might have been due to blows from a *lathi* or the butt of a musket."

Of course, there is the Police version of the occurrence and there is the version of the occurrence according to the detenus. I do not want to take up the time of the Council with all the details of the occurrence. I shall not embarrass the Hon'ble Member in charge of the Police Department by placing before the House the analysis of the evidence of his men. Some of these Government servants had done to death two British subjects—I am not a man of law, I do not know if the act amounts to murder—and they set up a story which has been rejected by the Committee of Enquiry—I shall place before the House their findings of facts in their own language. In paragraph 19 of the Report they say:—

"There was, in our opinion, no justification whatever for the indiscriminate firing (some 29 rounds were found to have been fired) of the sepoys upon the building itself, resulting in the death of two of the detenus and the infliction of injuries on several others. There was no justification either for some of the sepoys going into the building itself and causing casualties of various kinds to some others of the detenus."

Later on, in paragraph 27 of the Report they say:—

"The direct cause of irritation felt by both the detenus and the guard intensified by the incident of the 15th, and the indirect cause was the fact there was no arrangement for a responsible officer staying at the camp at night time, and at night time the camp was left entirely in charge of the sepoys headed by a few havildars."

It is not my intention to attempt to fix responsibility in the matter just now. I hope I shall have an occasion to do so later on during the session. I have referred to the occurrence at the Hijli Detention Camp with a view to draw attention to the risks to which these persons are exposed. I want the members to realise that while due to the appalling nature of the tragedy—the sudden death of two persons who in the eye of the law are as innocent as any of us—the occurrence has aroused so much feeling in the country—there are hundreds of men, many very young men who are being done to death day by day, inch by inch under the authority of this Bengal Criminal Law Amendment Act. I appeal to the House to stop this attempt to murder—murder of the soul if not of the physical body in every case, by supporting this resolution.

Sir, I do not appeal merely to the sentiment of the members of the House, but I would ask them to look at the logical position, because the position of Government in connection with the Bengal Criminal Law (Amendment) Act is very illogical. I say that if the Government believe the detenus to be connected with any violent action, they should bring them to trial and treat them as ordinary criminals. I cannot understand what is the idea of Government in treating them as guilty of murder or violent crimes, and at the same time in treating them as some sort of guests of honour. That is not done in any country. Perhaps, Sir, it is this policy that has led to an occurrence of this kind, as occurred at Hijli. It is no use making a scape-goat of a member of the Indian Civil Service. If the responsibility is to be fixed for the occurrence at Hijli the responsibility must be fixed on the Government of Bengal, because the officers who were entrusted with the work were in a very difficult position.

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, I rise in support of the resolution moved by my friend Mr. Ray. The cult of the bomb and the revolver is abominable. No sane man can approve the nefarious deeds of the terrorists. The shedding of human blood is repugnant to Hindu ideas. None with a grain of sense in him can have the least sympathy with terrorist methods which are retarding the progress of the country. They should be haunted down by all means and condign punishment should be meted out to them. Unfortunately the methods which are being resorted to by the panicky Government for crushing the terrorists are far from being satisfactory. Suspicion and mistrust loomed large in the horizon. People are being ruthlessly detained without a fair trial in open court. Justice and fairplay had so long been the guiding principle of our alien rulers which enabled them to win the hearts of the people. The present policy pursued by the Government cannot inspire confidence in British justice. On the other hand it is undermining the very root on which rested this mighty British Empire. This repressive policy is bound to fail in the long

run. Instead of nipping the terrorists in the bud, it is helping to strengthen their position which was not at all desirable in the best interests of the country. British justice demanded that even a murderer should be considered innocent until his guilt is proved to the hilt. People who are being indefinitely detained without trial or being tried in the star chamber method should be presumed to be innocent till the guilt is brought home to them in open trial. If they are in any way connected with the terrorist movement, let them have the opportunity of defending themselves properly and if they are found guilty by a competent court, punish them by all means. Unemployment—the hungry stomach—is the root cause of many a trouble. Open out new vistas of employment—extend your angle of vision—allow the people to enjoy their birthright and in no time terrorism will melt away in thin air.

3 p.m.

Mr. NARENDRA KUMAR BASU: I rise to give my wholehearted support to this resolution moved by Mr. Shanti Shekhareswar Ray. I shall not on this occasion trouble the House by discussing the merits or demerits of the Bengal Criminal Law Amendment Act. It is, Sir, on the statute book, passed by this Council in spite of the opposition of some of us. I may possibly have taken some delight in reminding the House that when I opposed the enactment of this Bill I told the House that the Bill would not have the effect the Government was striving for. Well, that has come to pass. But I am not basing my support of this resolution on anything that can be said about the unlawful nature of the Bengal Criminal Law Amendment Act. To any person who has had any breeding in the law, an Act of this nature must be absolutely anathema. But as I said, I am not going to ask for the support of this House on any such ground, I am asking the House to support this resolution on the simple ground that the Bengal Criminal Law Amendment Act, 1930, has not only failed in its purpose, but failed very badly. The members of this House will remember that Government asked for these special powers on the ground that those special powers would enable them to prevent the commission of terrorist outrages by clapping into jail people who were suspected by the Police to be concerned in them. Let us look at the facts. Has that Act done anything of that nature? Has anarchism or terrorism been in any way scotched by the Bengal Criminal Law Amendment Act? I need not stress that point. It is perfectly clear that since the enactment of this Act the number of terrorist outrages has not only not diminished, but on the other hand, has increased from violence to violence, and as has been pointed out by the mover of this resolution, occurrences such as those that took place in the detention camp at Hijli have made more anarchists, I make bold to say, than any action of the Government.

It is neither the time nor the place to give out one's own ideas as to how this terrorist movement could be prevented or scotched. The occasion will be, I hope, available to us at another time, but so far as this resolution is concerned, I submit it has been amply demonstrated that the Act has failed in its purpose, and that Government has not been able to look after the detenus properly. It is no use blinking at the fact that the occurrences at Hijli were not such, to say the least of it, as would inspire confidence in the guardians of law and order. If for no other reason, I say that if Government cannot guarantee the safety of the lives of the prisoners under this Act, then it has not the right to keep any person under detention under the provisions of that Act. The policy of this Act, I take it, is not under discussion now, but I should say that Government has in a manner admitted by the mouth of its own officers who conducted the Hijli inquiry, that they cannot properly look after the detenus, and, Sir, apart from the fact that by thus groundlessly detaining hundreds of young men, the feeling of the country is being exacerbated. I submit that on the ground of expediency also Government ought to accept the resolution.

Babu SATISH CHANDRA RAY CHOWDHURY: I think we must support this resolution for the obvious reason that we who have anything to do with law, cannot lend our support to the principle or want of principle involved in detaining persons without trial. We find, Sir, in the very preamble of the Bengal Criminal Law Amendment Act, 1930, that it is meant to supplement the ordinary criminal law of the land. But, Sir, the ordinary criminal law of the land, as is familiar to all of us, requires that there must be a trial. That is what we have learnt all along, and that is what is based on sound principles. Therefore when this piece of legislation, this barbarous un-British piece of legislation found its place in the Statute book, we had to enter our emphatic protest, and until this is repealed, we shall go on recording our protests, and especially now when the situation has become so grave, very grave, and we are expected to lend our whole-hearted support and co-operation, to those who are engaged in the work of framing the new constitution. We are expected to help in the restoration of a calm and peaceful atmosphere in this country. If it is seriously expected that we should do so, then the least we require is that the atmosphere of suspicion should be removed fully and entirely. And I put it to the member of this House, is it possible at all to restore that atmosphere of calmness and peace until this method of detaining persons without trial on the barest suspicion, is done away with and stopped? When this particular legislation was enacted, we were waiting to see what the result would be. We have had enough experience in the meantime to enable us to say that this particular Act has resulted in anything but creating bitterness and discontent. Even the Ordinances are preferred to this Act, because under them, people

must be brought to trial, although certain Magistrates are invested with unlimited powers. I think we all agree that even under the Ordinances we get something like the farce of a trial; the cases come before a Court, and the public has this satisfaction that in a particular case there has been at least a trial of some sort. But under this Act people are caught without any warning at all and are put into jail nobody knows why, and all sorts of manners of terrorism are perpetrated on them as in Hijli. It is impossible, in spite of our best wishes, to help the Government and to assist in the creation of an atmosphere suitable to the working of the new constitution, and to the ushering in the dawn of a new era of goodwill and trust. For all these reasons, I think that this law should be repealed altogether and all the persons who are detained under the law should be released. That is the only way that the Government can really prove that they have understood the whole situation arising out of the Hijli atrocities and can make amends.

With these words I support the resolution.

Maulvi HASSAN ALI: I do take my rise to support the resolution of Mr. Ray though with some reluctance. That is so: because Sir, the Government's attitude towards the subject has been very clear all along and it will be sheer crying in the wilderness to ask for the release of these unfortunate people. There are other reasons for my unwillingness. At a time when the whole country has been made a "detenu" when each and every son of India and when each and every daughter of the soil has been banned under the rule of Ordinances it is but useless to ask for the release of these unfortunate young souls. I do not know, Sir, what prompted my friend to table this resolution. But as I myself raised the subject on the previous occasion I feel it my duty to lend my support to the resolution. In supporting the resolution I must say at the outset that I am no supporter of terrorism. I most emphatically denounce the dastardly action of the misguided youths of the country. I am fully aware that they are doing great and incalculable harm to the cause of the country for the good of which they themselves are supposed to be devoted.

But nevertheless no civilised people can support the terrorism in the Government of the country they live in. You profess that in the interest of law and order and for the maintenance of peace, these violent persons should be detained behind prison bars and without trial. Here lies the whole crux of the matter. Detention without trial is the most lawless law and it is the worst type of terrorism. There are no two opinions in the India's present day politics in decrying political violence. Congress denounces it, moderates denounce it, the extremists denounce it, non-extremists denounce it. If they are really guilty of violence why do not you be straightforward and bring them in open

courts of justice to take their trial? If they are discontented people the remedy is not to throw them within the dark walls of prisons for indefinite time but to pacify them and make them contented.

But how to do it. No amount of suspicion and distrust, no amount of terrorism on the part of the Government can cope with the situation. The real diagnosis should be made—the real remedy should be prescribed. This is the time, Sir, when every individual, every country of the world aspires after realisation of its destinies. This is the world spirit. You cannot possibly check it by any means. India wants her destiny to be realised through her young daughters and young sons. Thus it is, Sir, that India's young men move and agitate and it is no wonder that sometime they go astray. Permanent and real peace is far from sight unless and until India realises this spirit of freedom through the practical administration of the country by her youths.

It is this youthful part of this vast humanity that ought to be pacified. But, Sir, curiously enough Government wants to please and pacify the wrong portion. The British Government are in right earnest to pacify the country by giving a constitution very soon. But whom are you going to pacify? Certainly not the people who want a real constitution, certainly not the people who move, who agitate and revolutionise for the freedom of the country. You are going to give a constitution to those who do not cry for it, who do not move for it, who do not agitate for it and most certainly who do not revolutionise, and by what means? By paths of terrorism and distrust—by promulgation of Ordinances and detention without trial of young sons and daughters of Bengal.

3-15 p.m.

Sir LANCELOT TRAVERS: Sir, the resolution before the Council is in reality a proposal to repeal a law that was duly passed by a majority of this Council. Now, Sir, I confess that the majority of this Council did not like the Act that was passed. Many of us detest such unusual provisions, but, Sir, a sense of duty and responsibility led this Council by a majority to arm the Government of this province with unusual powers. I have seen of late that this Government is called, again and again, a British Government. There are in the Government five Indians and two Britishers excluding His Excellency, and I think the term British is somewhat of a misnomer.

Sir, every Britisher here must sympathise and does sympathise with nationalism and the spirit that leads an Indian earnestly to desire the government of his own country by his own people. I go further than that. I can conceive that it must be very difficult for many Indians possessed with the spirit of nationalism to determine to what degree and to what extent they shall be led in their policy and in their active participation in politics. But, I say, now that India has been given

the word of the British people. The British Ministry and the British Parliament have adopted the policy of bringing to this country a constitution that will give India self-government as soon as that possibly can be done. Surely the nationalistic Indian is now in a position to determine his policy with certainty. His Excellency the Viceroy has recently detailed what the Government of India and the Government of Great Britain intend to do. It is shortly this: progress towards the new constitution as rapid as it can be and along with that progress the intention to fight revolution whether in the guise of civil disobedience or of terrorism.

Sir, if this resolution is carried in the Council it would not bring support to the policy of Government. Quite the reverse. Surely, therefore, all who desire the next step forward, all who desire progress will vote against this resolution.

Sir, I do not think it necessary for me to say much in regard to the necessity for the provisions of the Bengal Criminal Law Amendment Act of 1930. It has been proved again and again in almost every country of the world that the ordinary law is of little effect against determined revolution; and every country faced with such revolution, the revolution of a minority, has been armed with powers beyond the ordinary law. I have been reading lately about the detenus of Italy detained by Signor Mussolini. Italy apparently places its detenus upon some small and arid islands in the Mediterranean where they have far less comfort than is possessed by the detenus at Buxa. From what I have seen about them, I can say that the Bengal detenus are very much more comfortable than the Italian detenus. We know that Ireland has adopted measures far more stern and far more swift than what have been adopted in India.

Sir, supposing that the resolution is accepted by the Council and the detenus are released—and there is no doubt that some at least of these detenus are desperate men, men who stop at nothing to attain their end—is it not possible that at least there would be more murders of innocent officials or even non-officials? Has the hon'ble member who has proposed this resolution thought of the responsibility that attaches to him in that direction? Is he prepared to hear the wails of widows and of fatherless children and to know that he was in some degree responsible to them for the loss of a father?

Sir, I have heard something about Hijli, but I shall not speak about Hijli. I know that there is a very great feeling on the subject and have no desire to lacerate feelings. But in regard to the fact that these detenus have not been brought to trial, I must say that it is almost impossible to obtain evidence because of terrorism. Sir, I am a visitor of the detention camp at Buxa. I have been there, and I can assure this House that from what I have seen of the detenus there, they are very well looked after, that they are very comfortable and that the

relations between them and the police officers are admirable. I can even say without fear of contradiction that their relations cannot be better.

Sir, I repeat once more that we regret very deeply that these measures must be taken, but if the hon'ble mover could show us any method by which these detenus might be released without any danger, we would support him. But as it is, for the sake of Bengal, for the sake of India, for the sake of that peace and successful self-government of India by Indians that we all hope for and that we are all striving our utmost to make successful, I hope and trust that this Council will defeat the resolution by a large majority, a majority so large indeed that it will be a message to the Viceroy and to the Prime Minister to proceed with and continue their great policy for India's future.

Maulvi SYED JALALUDDIN HASHEMY: I rise to speak on this resolution, but I do not like to commit myself whether I support it or oppose it. At the outset, I must say that this resolution seems to be incompatible and inconsistent with the present disturbed political situation of the country, where the Government is run by abnormal rules and by Ordinances. When we hear the clash of war daily ringing into our ears, when we hear of *lathi* charges and people going to jail every day, to speak of releasing political prisoners seem to me to be really inconsistent. Only people of moderate mentality can think of such a resolution. I have got no brief on behalf of the detenus who are now detained in Buxa, Hijli and other camps I do not know how far they will agree with me if I plead on their behalf in this Council. Yet I rise to speak on this resolution.

Sir, I do not propose to utter a word about Hijli, and about the incidents at Chittagong and Dacca. When I first heard of them I was glad because we wanted these very things for the freedom of our country. I can assure Sir Lancelot Travers that without danger these detenus can be released. But I may ask you, Sir, by detaining only 1,000 young men of Bengal, will the danger pass over by that way? I say that the danger is daily increasing, rather multiplying, by this repressive policy of Government—particularly this Criminal Law Amendment Act has created a Suniti and a Shanti alleged to be the murderers of Mr. Stevens. To prophesy is a dangerous thing, but I can say this that so long as this policy of repression will continue, terrorism will not at all cease to exist, rather it will multiply. When Government is going on with their legalised terrorism, can we expect that these things will cease to exist, and that peace will prevail in the country? We think not.

Sir, my other point is this. When I was thinking of this resolution, I was thinking on this line. Most of the gentlemen present here know what the Criminal Law Amendment Act is. What they are doing

here? What they hear of terrorism, they hear from newspapers and other sources. But I for myself know many of these detenus beginning from Sj. Subhas Chandra Bose down to Srimati Indumati Singh. I emphatically say on the floor of this House—if necessary, I can take an oath on it that at least in my estimation 40 per cent. of these detenus who are still detained are simply innocent; even they have never contemplated violence.

Sir, one of my friends says that it is 60 per cent., but my estimate is 40 per cent. As regards the other 60 per cent., I do not know anything about them.

Sir, at least 40 per cent. of the detenus are innocent to my knowledge. If the C. I. D. or the Special Branch or the Intelligence Department are so very strong, so very careful, and claim to be all-knowing, what were they doing when the contemplation of recent murders were going on in Bengal? Certainly most of the people were detained months ago, and in some cases a year or a year and a half ago, and it is quite certain that they had no hand in these recent murders. I can assure you that a bitter feeling has been created in this country by the abnormal and unusual procedure adopted by the Government and that feeling and that feeling alone is responsible for making the people of this country disaffected towards the system of Government, and that disaffection against this Government is daily spreading in bazars, *hats* and other places.

3-30 p.m.

One particular fact which I know personally and which I can say, if necessary, on oath, is that in recent times sub-inspectors of police in charge of thanas gather chaukidars and dafadars in bazars, on public streets and roads, and preach terrorism and violence. I have heard it with my own ears that they say "We supply you with *lathis*. You go on beating the Hindus." At the same time they say "Do not beat the Mussalmans, but beat the Hindus only." If necessary I can prove this in any court of justice. I do not know who is responsible for this. I do not know if the head of the Police Department is giving these instructions to this subordinates. Nowadays you cannot get any information from outside or from the interior. All news of the atrocities committed by the police in North Bengal or East Bengal are being suppressed. What I was going to say is that we know perfectly well that Government is not prepared to punish these policemen. It is their duty, if they believe them to be guilty, to punish them.

My point is: just release one thousand or two thousand young men and see what happens. It is not impossible nor difficult for the mighty Government to try this experiment. (A VOICE: What happened last time?) I have been asked to say what happened when they tried that

experiment last time. I can assure the members that there was no violent crime, but since the initiation of this repressive policy the number of revolutionaries are daily growing and multiplying. If the detenus are released they can be rounded up again, if need be, when there is a recrudescence of violent crimes, the Council will be prepared to pass another Criminal Law Amendment Act in 1932 without opposition, when it will not be difficult for Government to take them in again. Whatever argument may be adduced in support of the detention of these young men the people will not be satisfied because they do not know what their offence is. My friend Mr. Shanti Sekhareswar Ray in his resolution demands the release of persons who are detained without trial. I can speak without fear of contradiction that a large part of the people of Bengal yet think that these people, who are detained without trial, are innocent; they do not think that even 20, 25 or 30 per cent. of them are guilty; naturally they think that they are innocent; otherwise during this 1½ year they would have been brought to trial in a court of justice. So if Government want co-operation or if they want peace in the country, they can make a trial. Sir Lancelot Travers said that the Criminal Law Amendment Act was passed by the Council and we should not repeal it. If we can get peace in the country I see no harm in repealing this lawless law. Let there be a trial, let us wait and see the result of their release. I can assure the House that if Sj. Surendra Nath Ghosh and others are released (I can talk to them) they will be able to influence these young men in schools and colleges and keep them away from mischief. So I say let us have a trial.

With these words I support the resolution moved by my friend.

Mr. B. C. CHATTERJEE: I want to say only a few words about the speech which has been made by Sir Lancelot Travers. He assured us that we ought not to be nervous about a law of this kind, because it emanates from a Government the majority of whose members are Indians. I do not think that is a fair observation to make, and I am as certain as I am standing here that none of the three Ministers had had any hand in making a law of this kind. They are never consulted by the Hon'ble Mr. Prentice, especially in a matter where the question is whether a man should be shut up without trial. I see the Hon'ble Sir B. B. Ghose sitting there. I do not think either he or his predecessor in office, Sir Provash Chunder Mitter, was ever consulted by the Hon'ble Mr. Prentice before he brought this Bill to be passed by this House. And I am sure that the Hon'ble Sir A. K. Ghuznavi is in a similar position. The difficulty is that we have not that joint responsibility in Bengal which one is accustomed to in England. In our province each Minister and each Member of Government seems to be a law unto himself. He does whatever he pleases provided that His Excellency does not interfere. Therefore it is not fair to tell us to accept this

piece of legislation simply because there are certain Indian gentlemen on the Bengal Cabinet. On the other hand I would ask my English friends to answer this question: Would they ever pass a piece of legislation like this in England unless it was proposed and brought before them by a Minister who was responsible to the people of England? Could they ever do it? I am sure their honest answer would be "no," if they are not going to maintain that what is good for England is not good for India and that moral ideas and political truths change with the colour of the skin in course of the passage from England to India. If that be so, if my English friends are honest to themselves, if they are true to their traditions, will they agree that the Hon'ble Mr. Prentice's portfolio should be transferred to a Minister? Under the law this can be done; under the Devolution Rules it can be done, but will our English friends trust us, Indians, enough to let an Indian Minister take over the portfolio of law and order? If they do so, we can assure them that if an Indian Minister responsible to us came and asked us to sanction legislation of this description, we would agree then, because we would know then that the gentleman who was asking for our consent was responsible to us, and, therefore, perfectly under our control; and that if he did anything wrong we could pull him up and if he went astray we could put him right. As a compromise, I suggest that if the English in this country are not altogether dead to all that is associated with the word "English," let them get up and say "we agree to this porfolio being transferred to an Indian responsible to this House." (A VOICE: What will happen to Mr. Prentice?) Mr. Prentice is quite safe; he belongs to a Service which ensures him permanency wherever he be, so that I am not depriving Mr. Prentice of anything when I ask for this. Here is a suggestion on the basis of which we, Indians and Englishmen, can meet if we can only be as honest as we should be. Here we have Sir Lancelot Travers cooly telling us—why you do not accept this piece of legislation which has been passed by the Council, knowing fully well, as he does, that we are absolutely powerless and that our Ministers have nothing to do with it, and that if the Hon'ble Sir B. B. Ghose and the Hon'ble Sir A. K. Ghuznavi dissented from the Hon'ble Mr. Prentice he would not care two brass buttons about it! Therefore, I say let us meet on this common ground and let Mr. Prentice's portfolio be transferred to an Indian Minister and let that Minister ask for our sanction to a measure like this, and if he can satisfy us that, consistently with his responsibility to us, such a measure was necessary we would give him our support. I hope that some of the gentlemen on the right who represent the British Constituencies will say something in answer to this proposition.

Babu JITENDRALAL BANNERJEE: Mr. Chatterjee made a point, a lawyer's point, from which I beg to express my emphatic dissent. He told us that no Indian Member or Minister of Government was

responsible for this legislation and that it was solely the concern of Mr. Prentice. Whatever the technicalities of the question may be, this is not a point that can be substantiated. The law was passed by the Council and every Member of the Government, Indian or European, voted for it. Therefore, whatever the character of the law may be, every Member of the Government was equally responsible for it.

I was hesitating and hesitating for a long time as regards my own attitude towards the resolution of my friend Mr. Shanti Shekhareswar Ray. I must say at once that my hesitation has nothing to do with the nature of the law itself. The Bengal Criminal Law Amendment Act, 1930, is an outrage on every principle of jurisprudence, it is an insult to civilized humanity. That any civilized Government should cause such a law to be passed is a condemnation of itself, a condemnation far stronger than anything that I could think of here. But all the same I hesitated because the situation in the country is peculiar and dangerous.

I am not of those people who affect to believe that there is no terrorism in the country. There *is* terrorism and anarchism in the land; it has spread very far and has struck its roots very deep into the soil. And I am so convinced of the pernicious character of the evil, so convinced of its far-reaching effect upon the people—its effect not upon the Government, Government can very well take care of itself—but its reaction upon the people, their character and their social and political well being, I am so much convinced that this evil requires to be stamped out of the country that, ordinarily speaking, I would be for giving a long rope to Government. If public opinion cannot cope with the evil (and we must admit to our shame that public opinion has not been able to cope with the evil), how can we blame Government if they have recourse to extraordinary measures of legislation? Ordinarily speaking, therefore, I would support the Government for in fighting against terrorism, it is fighting the battle of humanity and civilization, it is combating the forces which make for chaos and disintegration in the country. But all the same, so far as the present resolution is concerned, something happened in this Council within the last 48 hours which strengthens my attitude of support for it.

Sir, the only justification for a measure like this is that the people must have trust in the Government. Here are people who are condemned unheard: people against whom no charges are formulated, against whom no evidence is produced in public; and yet on such charges, unspecified, unpublished and uncross-examined, these persons are kept in detention for an indefinite period. The thing is so abominable that it would require strong justification for its existence; and the only justification would be if Government could prove that this was necessary for the welfare of the people. But to do that the Government must take us into its confidence, for we too want the safety

and protection of the people. But, Sir, what has happened recently? In September last there were various outrages in Chittagong. Public feeling was deeply roused over them. Charges were openly formulated against high officials of Government accusing them of helping *goondas* and the riff-raff of the town to plunder the houses of Hindus and to commit other outrages. These things were freely and widely expressed, and partly in response to popular feeling, a committee was appointed by the Government to inquire into the affair. The committee has submitted its report, and yet, strange to say, the report of the committee is not forthcoming either before the public of the country or before the Council. Is that a procedure which any Government can justify? If they do not take the people of the country into their confidence in a matter like this how can they reasonably expect that the people will have confidence in them? Mr. Prentice seemed to rejoice at the idea that he was holding back the committee's report——

Mr. PRESIDENT: Please do not refer to it as you know it was a question of privilege.

Babu JITENDRALAL BANNERJEE: I was supporting my position with a reference to the refusal of Mr. Prentice——

Mr. PRESIDENT: No, you cannot refer to that if you want to dispute my ruling on that point.

Babu JITENDRALAL BANNERJEE: I did not say that. I said that he seemed to rejoice in the idea that he could hold back certain information.

Mr. PRESIDENT: The spirit is there.

Babu JITENDRALAL BANNERJEE: Is the spirit of my speech irregular?

Mr. PRESIDENT: You must abide by my decision.

Babu JITENDRALAL BANNERJEE: I bow to your decision; but if your decision is not in conformity with the rules am I not permitted to point that out to you? (Cries of "order," "order.")

Mr. PRESIDENT: Will you please go on with your speech and bear in mind the instructions I have given you?

Babu JITENDRALAL BANNERJEE: It is impossible to resume a speech that has been so violently interrupted. However, Sir, will you kindly point out the rule to which you refer? (Cries of "order," "order.")

Mr. PRESIDENT: I refer to section 36 on which I based my ruling yesterday.

Babu JITENDRALAL BANNERJEE: May I read it out?

Mr. PRESIDENT: No, I do not think it is necessary at all.

Babu JITENDRALAL BANNERJEE: I do not question the decision of the President. I know so much of the rules of the House as not to do that.

Mr. PRESIDENT: But sometimes you seem to forget that. Will you please proceed and bear in mind my instructions? Otherwise I must ask you to resume your seat.

Babu JITENDRALAL BANNERJEE: I should ask you, Sir, not to interfere with my speech unless there is a serious reason for it. I wanted to fortify my position by a reference to what happened yesterday, not for the purpose of making any comments on it——

Mr. PRESIDENT: You are in a manner doing that.

Babu JITENDRALAL BANNERJEE: How can I develop my point unless I refer to the substance of what happened yesterday?

Mr. PRESIDENT: I must ask you to resume your seat and not question my ruling.

Babu JITENDRALAL BANNERJEE: May I not even mention the name of Mr. Prentice? I want to say that Mr. Prentice——(Cries of "order, order".)

Mr. PRESIDENT: No, you cannot say that, because you have challenged my ruling on the point.

Babu JITENDRALAL BANNERJEE: But I have not yet completed my sentence. How could you know what I am going to say?

Mr. PRESIDENT: I can quite anticipate what you are going to say.

Babu JITENDRALAL BANNERJEE: How can you anticipate, Sir. I was going to refer to the refusal of Government—I will not mention the name of Mr. Prentice—I will rather say the Government—to publish the report.

The mere fact that Government have refused to publish the report proves that the Government have something to conceal—that, may be; there is some justification for the charges widely flung against Government officials. And if Government conceal facts in this matter, what guarantee is there that Government have acted rightly in a matter concerning the rights and liberty of thousands of young men—detained not on any basis of substantial evidence, but on material supplied in the dark by informers and spies—the most hateful and contemptible creatures on earth. Therefore, Sir, my position is this. I do not ask for the release of these prisoners. What I say is this. Bring them to trial; produce evidence against them: and if that evidence can stand cross-examination, the Council will certainly support the Government in passing whatsoever measure they may consider necessary to detain these people or punish them. But if there is no evidence worth the name then I say that neither Government or anybody else has any justification for keeping in detention hundreds of our young men for an indefinite period, and the Government which proceeds to behave like this cannot stand—such a Government is doomed, its fall is imminent, and its fall will be great.

Mr. J. N. GUPTA: In rising to say a few words on a resolution like this I fully realise the difficulties of the task; but at the same time I also think that any hesitation to speak out my mind on a matter of such importance will not be in consonance with my duty as an elected member of this House. I have listened with very great interest to the interesting speech of my friend Mr. B. C. Chatterjee, one of the leaders of this House, I thought that he would give us some indication as to how we should vote on the resolution which is before us. But unfortunately he did not attempt to deal with the real issues involved in this resolution. I therefore find myself in a difficult position as I do not know exactly whether he is in favour of the resolution or against it. The previous speaker was also not very clear on the point. Mr. Bannerjee admitted that terrorism of a very dangerous type was out in the country. It is doing the utmost harm to the cause of nationalism and every reasonable effort should be made to suppress it; and I hope every reasonable support should be given to the Government in its primary task of dealing with this menace to society. At the same time, Sir, if we find that there are deviations from a course which do not appear to us to be reasonable, it is also for us to suggest that, as this is a matter of great importance, they must take the representatives of the people in this House into their confidence and make some sort of gesture to give a practical proof that they are prepared to take us, the representatives of the people, into their confidence. I, therefore, in all seriousness suggest to the Hon'ble Home Member whether it will not be feasible to appoint a separate Board consisting of selected members of this House to assist him in dealing with all these cases of

detention arising out of anarchy and terrorism in Bengal. Although I have no intention of minimising the value of the examination of their cases by High Court Judges, still I feel that their angle of vision is not the same as that of most of us. And it would be a great help to Mr. Prentice to receive the assistance of a Board in dealing with these intricate cases. I, therefore, make this practical suggestion before the House. Although there may be practical difficulties in placing confidential papers before such a committee, yet the object of winning the confidence of the people and winning their spontaneous support is so urgent and so important that any practical difficulties that might exist should be neglected and possibly got over. Therefore in this matter while I cannot possibly vote for the release of all detenus, knowing full well that at least a great majority of these men are dangerous criminals, to quote Mr. Hashemy (Question!)

Maulvi SYED JALALUDDIN HASHEMY: On a point of personal explanation, Sir. I did not say that they are dangerous criminals.

Mr. J. N. GUPTA: I think that is the general belief. There is very little doubt that a very substantial portion of these men are dangerous and therefore it is dangerous to pass a resolution to the effect that all of them should be released by Government. But at the same time I must say that they should be placed on their trial, and if that is found to be impracticable in some cases and it is found that evidence will not be forthcoming, then let the cases of these men be placed before a Board, and if the Hon'ble Mr. Prentice will make a gesture that he will be prepared to consider some measures of this kind, I am prepared to vote against this resolution. Failing this, I shall hold my vote in reserve.

[At 4 p.m. the Council was adjourned for prayer and it reassembled at 4-15 p.m.].

Mr. J. CAMPBELL FORRESTER: Mr. President, it has been stated by some of the speakers that the stability of a Government rests a great deal on the goodwill of the people and I agree with them that the right way to govern a country must be by the goodwill of the people. But the first duty of Government is to preserve law and order. Therefore, Sir, Government must preserve life and property and it stands to reason that the measures which Government adopt have in my belief proved to be necessary for the preservation of life and property. If the persons who are detained are brought to open trial witnesses would be required. We have had evidence of what then will happen, we would not get a single conviction. We have had evidence quite lately of this when witnesses forgot everything. We have had also evidence

of one witness who was shot after having given his evidence in a court. The only way in which the Government can deal with a situation like the present is the way in which Government is doing it.

Sir, we on this side of the House are accused of lack of sympathy. I would assure the House that we are all in sympathy with the people in their attempt to gain their freedom. But unfortunately, Sir, we are trying at the present moment to deal with revolution and this is the only method that is left for the Government to take care of the lives and property of its citizens, and not jeopardise them. We are all anxious to have an advance on constitutional lines; evolution not revolution, and I do not think there is a single member in this House who is not in sympathy with the question of real advance on constitutional lines. Sir, with these few words I oppose the resolution.

Mr. W. C. WORDSWORTH: Mr. President, Sir, I am reluctant to speak unprepared on so difficult a subject as this when any ill-chosen word may do harm: but Mr. Chatterjee has put a question to the European group and since we are not in a position to defer answering it by asking for formal notice, I shall do my best to answer him on the spot.

We British people are brought up in proper respect for the law and custom of the constitution and with an admiration for the majesty of Parliament. But we all know in our bones that if any danger threatened the State which required special weapons, Parliament would not hesitate to arm the Government with those weapons, nor would Government hesitate to use whatever weapons it thought necessary and find them wherever it could. Fortunately we have not had in England any recent example of this necessity, nothing which exactly corresponds to the subject that we are debating here. But in the years of danger, 1914-1918, there were considerable restraints placed on private liberty both by Parliament and by executive actions and the British public accepted them as necessary. Long before that, there was a much more serious encroachment upon the liberty of the people in the days of the younger Pitt. Mr. Chatterjee, who is a keen student of constitutional history, will remember that Pitt was faced with very dangerous conspiracies and he fought them with all the powers that he could get either from Parliament or elsewhere, by secret committees, by executive ordinances and by every other weapon possible, and historians without exception I believe have justified his action.

Now, Sir, I refer to these not for any pleasure in indulging in historical memories but as an opportunity for commending to the notice of the House a comment of Lord Rosebery on these events, a comment that is a fundamental principle of the philosophy of Government. What he said was: "What has been rendered abortive, it is common to think, would never have possessed vitality."

In other words, it is natural for us to believe that if a danger never eventuates into calamity there was never any danger at all. Now, in this principle laid down by Lord Rosebery we may find an indication of the justification for these special measures and of the defencelessness of the Government of Bengal, against attacks of this kind, because, just in the degree in which Government action prevents danger from eventuating into calamity, in precisely the same degree the critics and detractors of Government are able to maintain that there was never any danger or any need for special measures. We, in this House, hate these special measures of legislation and special ordinances, and the Government hates them no less than any of us. I believe that there has been a note in some of the speeches delivered this afternoon implying that Government revels in this opportunity to make the people miserable. Now, the Government of Bengal, like other Governments in India, is harassed to-day with a very heavy load of unpopularity merely because it is a Government carrying out a constitution which at present is suspected by, and disapproved of by, very many of the people of this country; and men of much less intelligence than the members of the Government of Bengal would hesitate twenty times, a hundred times, before voluntarily adding to their burden of unpopularity. The Government of Bengal in the discharge of its functions has taken upon itself this tremendous load of unpopularity. It has not done so for any purpose of its own other than the faithful discharge of its duty.

As regards Mr. Chatterjee's question: "Do we approve of any Indian Member being in Mr. Prentice's place?" I think I may answer that we expect that in the near future; and if that change comes about, the European Members of this House and the European residents of this Province will presumably accept that change as cheerfully, as loyally and as obediently as any one else. (Hear, hear).

Let me remind the House that Mr. Prentice is charged with the duty of doing his work to the utmost of his strength and ability and courage, so that when he or any successor hands over that high office to an Indian successor, he may hand it over strong in good traditions.

Babu JATINDRA NATH BASU: Sir, Mr. Wordsworth has called the attention of the House to some historical precedents. The resolution deals with a situation which, as Mr. Wordsworth has pointed out, is an exceedingly difficult one. The Criminal Law Amendment Act has been requisitioned to detain these men with the object of stamping out terrorism from this Province. Now, let us see whether historical precedents lead us to hold that a measure like this is likely to stamp out terrorism. The revolutionary movement raised its head in Bengal, as some of us will remember, about the year 1906 or 1907, when a large number of special measures like those that we have had recently were promulgated dealing with the liberty of the press, with the

liberty of public speech, and with the personal liberty of the subject. The Bengal Criminal Law Amendment Act did not exist in those days. But Regulation III was availed of and a certain number of people, mostly leaders, were detained without trial. Well, so far as we can see the result was that while there were then only about 200 or 300 persons concerned in the movement the result of those measures was that there was a very large number of people who became so disaffected that it was not very difficult to turn some of them into revolutionaries.

4-30 p.m.

These measures continued up to 1911. By 1911 the area of dissatisfaction had grown much wider and deeper than it was in 1906 or 1907. Then take 1914, when a large number of persons were detained under the Defence of India Act, which was something like the Defence of the Realm Act, and the result was that the dissatisfaction increased still more, and we heard in those days cases of importation of arms and so forth, and the movement which had been without organisation and isolated grew more and more organised and wider, in area, so that these measures which were carried out vigorously and for a good length of time, did not succeed in achieving the object with which they were adopted. We are faced at the present moment with the terrorist movement; this Council or at least a great majority of this Council want that movement to be stamped out as soon as possible. The question is as to whether the measure which Government have taken in detaining without trial and for an indefinite period a large number of persons, is a measure which will be effective in achieving the object that the Government have in view. We know and it so happened that the persons who were then members of the Government and to some extent responsible for the imprisonment or detention of certain persons in 1908, had to admit later on that some of those persons had been detained without any justification, and the result of that detention was that a great many more people became dissatisfied with the Government, and lost faith in Government, and those who were young among them, those whose mental balance was unsteady, naturally became embittered against the Government. That was the position. So should we take measures which are likely to lead to a contingency like that? Should we take these measures now when the Government is unfortunately not a popular Government in the sense that the Government represented the mind of the people? Government has adopted these steps after consideration *in camera*, and the public have had no opportunity of knowing or ascertaining as to why a particular measure is being taken, nor the public or the leaders of the public were taken into confidence when a particular measure or policy is adopted. That, by itself, creates a sense of grievance, a very great sense of grievance, amongst the people, many of whom would not

otherwise have it. Constituted as the Government is its responsibility in the matter is the greater. It should so proceed that when a real popular system of Government comes into being, that Government may not be working in an almost retaliatory spirit. But unfortunately the present Government is handling the situation in a way which led in the past to nowhere or to greater and greater disaster. The Government has been following the same course now, and the natural result will undoubtedly follow. It may be urged, and it has been urged by Mr. Campbell Forrester, that the really guilty, cannot be tried in the ordinary way because the witnesses are terrorised, and there is difficulty in obtaining evidence, so a regular trial cannot be had. No doubt it may be so in some cases, but if you study the history of the terrorist movement here you will find that from 1907 onwards of the people who were brought to trial in the ordinary way, nearly 90 per cent. were convicted, and you had no difficulty in finding witnesses who came forward to testify. Those are facts. The biggest case in connection with the revolutionary movement in those early days was known as the Alipore Bomb case; it was a long trial and the number of accused was large, there were a large number of witnesses. The hearing took nearly a year. It showed that witnesses could come forward openly in court and would testify in spite of threats; there were, I believe, threats, but that did not deter the witnesses from coming forward and giving their testimony in open court. There were various other cases, the Howrah conspiracy case, the Dacca conspiracy case, and so on; all of them went to open trial and ended in conviction, and the public were satisfied with the open policy of the Government. Why should Government now go back from the methods of the twentieth century to those of the thirteenth or fourteenth century? A policy of repression like this cannot but create a feeling of distrust and want of confidence in the Government that the people are not being governed in the way in which they should be governed according to present day standards. We on this side of the House, a great many of us opposed the Criminal Law Amendment Act on the ground that in practice the policy underlying it had been found to be defective. It is for that reason now that we support this resolution as the Bengal Criminal Law Amendment has failed to achieve its object.

Maulvi ABUL KASEM: It is with some diffidence that I rise to speak on this motion. Nobody can deny that the Criminal Law Amendment Act is a lawless law, and nobody can deny that it is against the established custom of jurisprudence to have any person imprisoned without an open trial, but at the same time we cannot forget that an extraordinary situation requires extraordinary measures, and we cannot deny that at the present moment the situation in the country is not only extraordinary, but of a dangerous character. My friend Mr. Basu gave a short history of the terrorist movement in Bengal and

he supported open trial of the detenus on the ground that in the Alipore Bomb case witnesses came forward and gave evidence. (A VOICE: One witness.) One of the witnesses came forward and gave evidence and therefore it can be expected fairly that witnesses will come forward and give evidence and the court, if the evidence is satisfactory, will convict the accused and action will be taken against all these revolutionaries. But my friend should remember that there is a good deal of difference between 1907 and 1932. There is one thing more he should also remember that that was one of the first trials of the anarchists in open court. What happened to the witnesses afterwards that had come forward since? They have had to suffer, and if I am not mistaken one of them was shot dead—the man who reported the manufacture of bombs was shot dead in the Alipore jail. The terrorist movement, everybody agrees, has to be eradicated, but the question is how can it be eradicated? There has been, though it has not been mentioned here, but outside this House there has been a cry that the remedy is to release all these prisoners, to grant an amnesty and to repeal these harsh measures, and thus create a calm atmosphere for the consideration of the constitutional reforms, and that will bring peace and tranquillity to the land. Naturally this is a reasonable argument, but unfortunately for us in this country that argument was raised many times, and past experience has shown that it is fallacious; because when an opportunity was taken in connection with the introduction of Reforms in 1920, and whenever such steps were taken, it was proved in the long run that instead of creating peace and tranquillity, it has added to terrorism. (A VOICE: But the Reforms were a sham.) The Reforms may be a sham, but what I want to know is, is that any excuse for terrorism if any measure of Government is put into action against which there is public indignation? Unfortunately in this country, this agitation and anarchism and terrorism grow up when the question of the consideration of new Reforms comes up. It was in 1920 there was a violent agitation; why, because the Reforms were a sham! The alternative was for things to remain as they were. Were you satisfied with the constitution that was in existence in 1910? It was thrust upon the people, no doubt, but the people could very well say, continue the constitution of 1918. Equally we might now say that we want to stick to the constitution of 1920. The question is, does this band of young men think that by this sort of terrorism and by anarchist movement they can make the British people hand over more power to that section of the community which has been a menace to the peace of the country?

4-45 p.m.

Sir, the situation is really very grave. My friend Mr. Basu must remember that so far as this province is concerned, the position is this,

that on account of this terrorist movement, on account of the terrorist propaganda, public opinion is not allowed to be expressed. If any man, particularly belonging to the community to which my friend belongs, has the courage to speak out his mind in any form about the political situation which does not tally with the opinion of the Congressman, his life will be made miserable. The doors of his dwelling houses are besmeared with night soil. He is not allowed to carry on his occupation. Not to speak of the city of Calcutta but also in the mufassal, if fathers of children and school boys have the courage to say anything against the terrorist movement or against the Congress movement, their children are jeered at, laughed at, and their daughters are not allowed to be married. This is the form of terrorism that is carried on. I do not say that the methods adopted by the Government are the only methods or the true methods, but when the people of this country cannot by any means either stop this terrorist movement or check it, or have the courage to speak against the movement, then we have no other alternative but to let the Government do what they are doing. We must give them a fair chance. But the main question still remains. I charge the Government of Bengal with their neglect in this matter. When this terrorist movement broke out, I am not speaking of 1907, or of 1911, but I am coming down to recent times—only in the year 1930 when students of Government hostels and Government colleges celebrated the 26th of January by illumination of hostels, by singing slogans and by music and demonstration in the streets and when the matter was brought to the notice of the Government, the Government said that it was a childish freak. So it was. But it had a bad effect on the public mind at large, and Government had allowed this to occur. And then when it has grown serious, Government has to take drastic measures to combat it and they find it difficult now to do so. The situation is that we, the people of this country, have not been able or have not the inclination to do anything to meet this terrorist organisation and the terrorist movement. No doubt these things have been condemned at many meetings, at the meetings of the Calcutta Corporation and other places, and resolutions have been passed condemning these terrorist outrages, but we know at the same time that the resolutions passed by these bodies are not worth the paper on which they are written because they did not express the real feelings of the people who passed it. Secondly, there is a very large majority of people who at heart abhor these outrages, do not sympathise with them, condemn them, but are so situated that they have not the courage to speak out their mind. In the circumstances, what is the remedy but to let the Government to have a trial. A suggestion has been made, Sir, that the portfolio of "law and order" should be transferred to an Indian. I certainly would support that motion because that will give this Council an opportunity of exercising its responsibility and the member in charge will be able to show whether he realises that

responsibility or not. But I doubt very much if an Indian member will try to take up this responsibility and incur popular odium. Anybody who is charged with this responsibility of maintaining "law and order" in this country at the present moment is sure to get all the odium possible and perhaps his life will not be worth much. (A VOICE: You will be put in charge.) I would not take that responsibility because I value my life more than my job.

This resolution was tabled long before the Ordinances came into existence and now that the Ordinances have come, this resolution has lost much of its importance, because without the Criminal Law Amendment Act, Government is now authorised to arrest any man it likes. Certainly as Mr. Gupta has said, the bulk of the detenus are at least dangerously inclined towards violence. They are, I think and I also think that Government will not deny that there are a number of innocent persons who have been put into the jail. There is no doubt about it, and although I am not a lawyer, I know that the British jurisprudence or the British law says that 99 per cent. of the guilty persons should be let off rather than one innocent man should be punished. That is true. Under the English jurisprudence, we get more of law and legal technicalities than absolute justice and good administration. The question is if that policy is to be followed, where will it lead to? Nobody can deny that this terrorist movement is the result of a pernicious agitation and propaganda that is being carried on. I am told by one of my friends that you cannot stop it. I admit that we cannot stop it and I admit that you cannot stop it unless you imprison the whole country. But I say this, that if that is so, why not let Government have a chance of trying to stampede it out, and if they fail, then it will be for us to consider what is to be done. We have been told that in 1907, confinement of these detenus gave rise to a very larger number of people joining the revolutionary party or having sympathy with them. So far as it goes, it is true. At that time Mr. Basu will remember that politically minded people had, when these outrages took place, the courage to speak out their minds, and they had at least the inclination not only to condemn these things but to fight it and organise themselves for this purpose. You may remember that in 1912 these things were practically wiped out. The movement again came into existence much longer after that time. At that time this terrorist movement came into existence as a result of a particular measure taken by Government, namely, the partition of Bengal. That was the occasion then, but on this occasion there have been no such measures taken by Government which has exasperated the popular mind. This time it is the anticipation that the reforms, whenever they are brought into operation, will not be satisfactory and will be nothing but a sham. I think that we must give credit to the Government, if not to the Government of Bengal, to the Government of India and the

British Government—the credit that they in their turn have done their best to solve the constitutional problem. I say, with a full sense of responsibility, that the policy of the Congress is not to get on to the path of progress and bring about constitutional changes for the advancement and welfare of the people of the country, but simply to carry on an agitation and keep themselves in the limelight for purposes which are well knowu to the country——

[Here the member, having reached his time-limit, resumed his seat.]

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to support this resolution. In the first place, I must say that I could not follow the previous speaker when he said that the life of any one speaking against the Congress would be made unbearable. Does he mean to say that the Congress movement has got the sympathy of the majority of the people? Sir, I for myself can say that I have many things to say against the Congress, and I do not think that my life has been made unbearable by the Congress people. Sir, my reason for supporting this resolution is this, that at least it is a very expensive measure that the Government has incurred in detaining hundreds of persons. I do not see why this unnecessary expenditure should be incurred. We are not satisfied with the reasons given. What justification is there for this unnecessary expenditure? I think if you have got evidence against these persons why not bring them before the court? The expenditure at least will be much less. The resolution suggests that all detenus should be released. But it does not suggest that if there is sufficient evidence against any particular person, he should be released. Such persons may be punished in a court of law instead of being detained under the provisions of the Bengal Criminal Law Amendment Act. Sir, we often hear that Government are in difficulties for want of funds, and yet we go on with this unnecessary expenditure. I may say that expenditure can be greatly minimised by having these persons tried in a court of law, and Government must release these persons if they are acquitted. If they are subsequently suspected, they may be detained in their homes. In that case at least their lives would be saved. Sir, the Hijli incident has clearly proved that their lives are not safe in the detention camps.

6 p.m.

If these men were kept as ordinary prisoners then the situation would be safer than if they are kept in detention camps. What happened at Hijli may happen again at any time.

Sir, it has been said that these prisoners are very comfortable, but I hesitate to accept it because I know that detention without trial is always distasteful to a man. If there are any reasonable grounds for putting a man in detention, do so by all means, but give him an

opportunity of being tried with evidence, of testing the evidence by cross-examination and if he is found guilty let him then be imprisoned; but if they are not guilty why give them this unnecessary trouble and create a situation of panic in the country? What is the use of saying that evidence in such cases will not be forthcoming, simply because witnesses will not be bold enough to come forward and give evidence in open court? I am not prepared to accept it because on many occasions such evidence has been tendered without danger to the lives of the witnesses. So this argument does not contain much substance.

Sir, we have been told that very soon another series of reforms will be introduced and we shall be given responsible government. I do not know, Sir, what sort of responsible government and what sort of constitution will be conferred on us. We were given assurances in 1919 that real responsible government would be granted to us but within the next two or three years we were disillusioned and who knows that similar disillusionment may not be in store for us this time also? Too much time has already been wasted in deliberation and if Government really desire that this terrorist movement should be suppressed and the country restored again to its calm and quiet, then the sooner they grant the reforms the better for the country.

With these words I support the resolution.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I want to make a request on behalf of the Muhammadan members of this House. It is very inconvenient for us to stay in the House after 5-15 because the *Roja* time is 5-45, when we have to break our fast. To do that we must reach our homes in time. Even if it be necessary to sit earlier we are prepared to do that but we cannot stay here after 5-15. It is very difficult for us to sit till 5-30.

Mr. PRESIDENT: Has the House any objection to this?

[No objection was taken.]

Very well, as there is no objection, I will adjourn the House at 5-15 p.m.

Maulvi SYED MAJID BAKSH: Any sort of trouble in the body politic must we looked upon with disfavour by people who really have the peace of the country at heart. We have all witnessed the way in which things are moving. We are asked to be loyal and to betake ourselves away from the stiff fight that is now going on between the revolutionaries on the one hand and the Government on the other. The one terrorises the other like one wrestler trying to overthrow the other in this game of acquiring supremacy. The revolutionary by his terrorism tries to overawe the Government and Government in their turn try to overawe them through their Ordinances, with the result that we, the people, find ourselves in a very difficult position.

But now the point is whether this resolution which recommends the release of political prisoners and the consequent repeal of the Bengal Criminal Law Amendment Act, 1930, will be conducive to the re-establishment of peace in the country or not. That is the point that we have got to think about. Sir, we know of the political theories of the days of the younger Pitt in the 20's and 30's of the last century and we also know of the political philosophy of the last 20 years. During the war, emergency legislation had been introduced in England which generally created inconvenience for the people, but may I ask my friend if he can point out one instance even during the war time when people were detained without trial? Detention camps were established but people were never detained there without trial for a single day. Inconvenience was certainly caused by tampering with the liberty of the people, but people who were not guilty were never detained for long. Sir, it is a very dangerous thing from the point of view of the health of the body politic to detain without trial people for an indefinite period of time and it is more dangerous for a Government to set an example of that. We have all seen the effect of repression upon the people. Many persons have pointed out that anarchy is increasing rather than decreasing as a result of the Ordinances. The only thing, therefore, that we shall have to attend to is to have recourse to measures that will improve the situation, and if this measure, the Bengal Criminal Law Amendment Act with all the consequences that it has brought about, has not produced the desired results, the only conclusion is that it should be done way with as soon as possible. I know that Government must preserve law and order but if the exercise of those emergency powers does not produce law and order, those powers should be considered to have been wrongly adopted and wrongly exercised. In this connection I am reminded of a story of a man belonging to the Salvation Army walking in Piccadilly. He was met by a friend of his who asked him where he was going. He answered that he was searching for the road to salvation. He was again asked by his friend as to how long he was engaged in that search, to which he rejoined that he was doing so for the last 20 years. His friend remarked that if his 20 years' search for road to salvation had brought him to Piccadilly he must search for another road. So I must tell Government that if after 25 years of repression and ordinances they have not yet found the road to law and order they must change the road and take to a new path. If 25 years of repression and ordinances have brought them to this that not a month passes in which we do not hear of violence and crimes being committed in the country they must choose another road—a road that will lead them to the goal which they desire to reach. (Interruption.) Sir, I am asked what is that road? I say, Sir, if that road is wrong find out another road but the first and prime necessity for Government is the abandonment of that road. Unless they abandon the old road they cannot find out the correct one. Repression does not heal

terrorism. Sir, perhaps it will be digression for me to indulge in history, as history has been indulged in by various speakers before, but if we searched history we would find that in France its government was carried on during the reigns of Louis XII to Louis XIV by means of the *lettres des catchet and Bastille*. With what result? With the result that thousands of men were arrested and spirited away to unknown destinations and confined within the Bastille. We have it from Victor Hugo that at last the Bastille was answered by the guillotine introduced by the French revolution. So, if by this sort of policy Government have brought about this state of affairs in the country, it is time they considered whether that is the right policy, and, if not, to decide on a proper remedy. I need hardly say that this repressive policy has produced a distemper of remedy in the body politic in Bengal and it is a disease which requires the abandonment of the medicine itself, so that it might bring in health to the country. Again, I am reminded of a story in one of the dramas of Moliere, in which a doctor was being examined as to what he would do if a man were ill. He replied that he would bleed him; if he sank, he would bleed him more, and if he collapsed he would bleed him still more. Bleeding was the only remedy he knew of. Similarly, Ordinance is the only remedy known to Government and, therefore, the effect of their action is nothing to be astonished at. An eminent physician, I believe Sir Alexander Haig, gave another very beautiful illustration. He says that in the early days when a patient was sinking the only remedy that used to be prescribed was a stimulant, *viz.*, whisky; if the patient sank, more whisky, and if the patient collapsed, still more whisky, and if he died, it was because they did not give him enough whisky. So the Government seem to think that if they fail to preserve law and order it is because they did not take measures more repressive, if the Government sinks, more whisky, if the Government collapses, still more whisky and if the Government dies it is because Mr. Prentice did not get enough whisky.

Adjournment.

The Council was then adjourned till 2-30 p.m., on the 3rd February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 3rd February, 1932, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja SIR MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 107 nominated and elected members.

Starred Questions

(to which oral answers were given).

Waterworks scheme at Rajshahi.

*12. **Babu KISHORI MOHAN CHAUDHURI:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what progress has been made with the scheme for starting waterworks at Rajshahi; and

(*ii*) when is it likely that the scheme will be taken up?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*i*) A sketch project has been sanctioned for a scheme at a cost of Rs. 3,30,300.

(*ii*) Work cannot begin till detailed estimates have been submitted and sanctioned and local contributions have been raised. Some difficulty appears to have been found in realising these in full.

Babu KISHORI MOHAN CHAUDHURI: Will the Hon'ble Minister be pleased to state what provision has been made in the next year's budget so that the work can be started as soon as local contributions have been raised?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Provision has been made as far as I know; but I cannot give the exact figure.

Dinajpur district board.

*13. **Maulvi HASSAN ALI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what is the number of the members constituting Dinajpur district board;

(*ii*) how many out of the number are elected and how many are nominated; and

(*iii*) of the members who were returned in the year 1931 to district board as elected by the local boards, how many were nominated by Government to the local boards and how many were elected to the local boards?

(*b*) Is it not a fact that out of total strength of 27 in the Dinajpur district board, 19 members, i.e., constituting more than two-thirds of the total number have been Government representatives?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*), (*ii*) and (*iii*) A statement showing the constitution of the Dinajpur district board with reference to these inquiries is laid on the table.

(*b*) One-third of the members are nominated and two-thirds elected by members of local boards from their own elected and appointed members.

Statement referred to in the reply to clause (a) of starred question No. 13.

Constitution of the Dinajpur district board.

Nominated.

1. Civil Surgeon, Dinajpur.
2. Subdivisional Officer, Sadar.
3. Subdivisional Officer, Balurghat.
4. Subdivisional Officer, Thakurgaon.
5. Rai Sahib Jatindra Mohan Sen.

6. Babu Premhari Barman.
7. Maulvi Syed Abdur Rauf.
8. Maulvi Nasiruddin Ahmed Chaudhury.
9. Maulvi Tafiruddin Ahmed Chaudhury.

Elected by Sadar local board.

10. Maulvi Osman Gani Chaudhury.*
11. Babu Nalini Mohan Sinha.†
12. Maulvi Mohiuddin Ahmed Chaudhury.*
13. Maulvi Afazuddin Ahmed.*
14. Babu Manmatha Nath Kundu.†
15. Maulvi Nehaluddin Ahmed.*
16. Maulvi Saifuddin Ahmed.*

Elected by Thakurgaon local board.

17. Babu Girindra Chandra Chaudhury.†
18. Babu Bepin Bihari Sarkar.†
19. Babu Mathura Nath Das.†
20. Babu Durgadas Mukherji.*
21. Maulvi Mahammad Aminullah.‡
22. Maulvi Badaruddin Ahmed.†

Elected by Balurghat local board.

23. Babu Manmatha Kumar Roy.*
24. Maulvi Abdur Raufshah Chaudhury.†
25. Babu Gangesh Chandra Chatterjee.†
26. Maulvi Amiruddin Ahmed Chaudhury.*
27. Babu Jagadiswar Saha.†

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* Elected member of local board.

† Member appointed by Commissioner to local board under section 11, Local Self-Government Act.

‡ Member appointed by Commissioner to local board in default of election under section 10, Local Self-Government Act.

Pay and allowances of Sanitary Inspectors.

***14. Mr. SARAT CHANDRA BAL:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that there is no uniformity in the pay, travelling allowances, office allowances and house allowances, sanctioned by the district boards to the Sanitary Inspectors appointed under the Rural Health Organisation Scheme of Bengal?

(*b*) If the reply to (*a*) is in the affirmative, what steps, if any, do the Government intend to take to make the payment of these pay and allowances uniform, and when?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) A copy of Local Self-Government Department's circular No. 141-45P.H., dated 14th January, 1929, which allows district boards a certain measure of discretion in this respect, is laid on the table.

(*b*) Government adhere to the policy explained in this circular.

Circular referred to in the answer to clause (a) of starred question No. 14.

Nos. 141-45 P.H., dated Calcutta, the 14th January, 1929.

From J. G. Drummond, Esq., I.C.S., Secretary to the Government of Bengal, Local Self-Government Department,

To—All Commissioners of Divisions.

Minister-in-charge : The Hon'ble Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

I am directed to refer to this Department circular letters Nos. 1078-1082 P.H., dated the 23rd May, 1927, and Nos. 72-76 T.-P.H., dated the 12th October, 1927, regarding the establishment of a public health organisation for rural areas. Government agreed to pay a subsidy equivalent to the actual expenditure incurred subject to a maximum of Rs. 2,000 per annum for each unit on certain conditions—

(1) that the district boards satisfied the Director of Public Health that the necessary minimum health staff had been appointed for each unit, and

(2) that district boards must not reduce their existing scale of expenditure on public health activities.

It was suggested that the approximate cost per unit might be as follows:—

	Rs. Per mensem.
One Assistant Health Officer (on consolidated pay including travelling and house allowances) ...	100
District Board Provident Fund contribution ...	6
One Health Assistant ...	22
One carrier ...	17
	145
	× 12
Per annum ..	1,740
Contingencies including drugs and disinfectants ..	260
Total annual cost per unit ..	2,000

It was pointed out that the scheme did not necessarily insist on the adoption by the district boards concerned of the staff mentioned above, but allowed a considerable elasticity to the local bodies in choosing an efficient public health staff for the units in consultation with the Director of Public Health, that the rates of pay might vary according to districts, that some district boards might prefer to employ trained sanitary inspectors rather than sub-assistant surgeons with public health training as their Assistant Health Officers.

As there appears to be some misunderstanding of the position, it is desirable to state again that the scale of expenditure for each unit including rates of pay and allowances may be fixed by the district boards according to local conditions subject to the approval of the Director of Public Health. Where trained sanitary inspectors are employed the recognised scale of pay, Rs. 50—5—100, is the one to which approval will be given; the rates of pay for assistant health officers and health assistants may be progressive with separate conveyance and house allowances, or a consolidated pay including such allowances may be fixed for both classes of officers. Provident Fund contributions for both classes of officers but not for carriers, who are contingency menials, may also be included in the cost of the unit. It is desirable to have a fixed conveyance allowance rather than to grant travelling allowance based on journeys performed in order to avoid the clerical work involved in dealing with travelling allowance bills.

Leave should be granted to assistant health officers and health assistants at a time when it is not necessary to employ a substitute or when

it is possible to place one officer in charge of two units temporarily for the period of the leave. If a substitute is employed, the cost may be included in the cost of the unit, but it is expected that this will seldom be necessary. The total annual expenditure for a unit which Government are prepared to grant is limited to Rs. 2,000. If a district board fixes a scale of expenditure for a unit or incurs expenditure on a unit in excess of Rs. 2,000, it should arrange to meet the extra cost from its own funds.

The cost of any extra office establishment employed in district board offices as a result of expansion of the public health work is not an item which comes within the cost of these units. District boards should make provision for such office establishment from their own funds.

I am to request that the district boards in your division may be asked to furnish Government by the 15th May, 1929, after the district board accounts for 1928-29 have been made up, with a statement showing particulars of health units that worked during 1928-29 in the following form:—

District.

Health unit.	Date of opening.	Expenditure actually incurred for the year 1928-29	Annual scale of expenditure approved for the unit.
1	2	3	4
		Rs. A. P.	

	Rs.
Total expenditure on health unit	
Total district board expenditure on public health purposes in 1928-29 deducting Government contributions	

In filling in column 3 all expenditure incurred after the 29th February, 1928, for the year ending 29th February, 1928, should be excluded as the subsidy sanctioned with Government order No. 2691 P.H., dated the 19th November, 1928, is to cover all deferred payments for that period.

In order to see whether the first condition has been fulfilled the district boards should be asked to specify in column 4 of the statement specified above, the annual scale of expenditure for the unit, viz., pay and allowances, contingencies, etc., which have been sanctioned for each

unit by the district board at a meeting and have been approved by the Director of Public Health. If the proposed scale of expenditure for each unit has not been sanctioned by the district board at a meeting and sent to the Director of Public Health for approval, this should be done without delay. It should be noted that the amount payable by Government as a subsidy is the amount actually spent on a unit whose health staff has been approved subject to the maximum of Rs. 2,000 for 12 months' expenditure.

In order to decide whether the other condition has been fulfilled, viz., that district boards must not reduce their existing scale of expenditure on public health, the total net amount of expenditure incurred by district boards on (1) sanitation and vaccination, (2) water-supply and water-works and (3) drainage, after deducting contributions received from Government under these heads as well as contribution for public health units, should be shown below the statement. If in the case of any district board the amount of actual expenditure incurred by it falls short of the average expenditure for three years ending 1926-27 called for in this Department memorandum Nos. 2692-96 P.H., dated the 19th November, 1928, this will lead to the conclusion that the other condition has not been fulfilled and the Government subsidy payable to such board for public health units will be reduced accordingly when the payment due for the year 1928-29 is adjusted against the advances made.

Travelling allowances to Municipal Commissioners living outside municipal areas.

*15. **Haji LAL MUHAMMED:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether there are any orders of Government providing for the grant of travelling allowance to Municipal Commissioners who attend a municipal meeting from their permanent residence at a distance from the municipal area?

(*b*) If so, what are the rates of travelling allowance prescribed by such orders?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Does not arise.

Price of Muli bamboos in Chittagong.

*16. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether he is aware that the price of Muli bamboos has been coming down very considerably in Chittagong during the last 4 years?

(*b*) Is it a fact that the toll levied on Muli bamboos carried through the river has been raised now from 4 as. per hundred to 8 as. per hundred?

(*c*) Are the Government considering the desirability of making a reasonable reduction in the present tollage on the said bamboos in the same manner as was done previously in the matter of boat and sampan tollage?

(*d*) Have the Government received a prayer from the Chittagong public for such reduction?

(*e*) If the answer to (*d*) is in the affirmative, what decision have the Government come to in this respect?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) No.

(*b*) Yes, in 1929.

(*c*) No.

(*d*) No, but a representation was received from some dealers in bamboos.

(*e*) Government have ascertained that the rate is not excessive and have decided not to reduce it.

Female vaccinators.

***17. Mr. SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the names of districts where female vaccinators were maintained by the district boards from the years 1928 to 1931?

(*b*) Is it a fact that such female vaccinators were maintained by the Faridpur district board during the said period?

(*c*) Have the Government considered the question of the desirability of female vaccinators in districts for *purdah* ladies in preference to male vaccinators?

(*d*) Are the Government considering the desirability of making special provision for female vaccinators in rural districts?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) Female vaccinators were employed by the district boards of Birbhum, Midnapore, Nadia, Murshidabad, Rajshahi, Jalpaiguri, Malda, Pabna, Dacca, Mymensingh, Faridpur and Chittagong during the year 1928-29. During the year 1929-30 female vaccinators were employed only by

the district boards of Murshidabad and Jalpaiguri. No female vaccinator was maintained by any district board during the year 1930-31.

(*b*) See reply to clause (*a*).

(*c*) The employment of an adequate number of female vaccinators as one of the conditions of the allotment from the provincial revenues to the district boards in aid of free vaccination was enjoined till the year 1929 when on the representation by the district boards this condition was relaxed for the reasons explained in Dr. Bentley's letter No. 5024-V., dated the 16th April, 1929, a copy of which is laid on the table.

(*d*) No, for the reasons explained in Dr. Bentley's letter.

Letter referred to in the answer to clause (c) of starred question No. 17.

No. 5024-V., dated Calcutta, the 16th April, 1929.

From Dr. C. A. Bentley, M.B., D.P.H., D.T.M., & H., Director of Public Health, Bengal,

To—The Secretary to the Government of Bengal, Local Self-Government Department.

In Dr. Khambata's letter No. 9301-V., dated the 29th May, 1926, it was originally proposed that one of the conditions of the provincial contributions to the district boards on account of the cost of providing free vaccination in rural areas should be the employment of an adequate number of female vaccinators for localities requiring their services for *purdah* females. In Mr. Drummond's letter Nos. 1362-1366 P.H., dated the 17th July, 1926, addressed to the Commissioners of Divisions, the Local Government accepted the proposal with the result that, while allotting funds from provincial revenues to district boards for free vaccination, the same condition has been imposed annually. But the district boards have since represented that, wherever female vaccinators have been employed, even the non-*purdah* females, who used formerly to take vaccination from male vaccinators, are refusing it from the latter. On account of their financial stringency, district boards are unable to employ a separate staff of female vaccinators for the whole female population (both *purdah* and non-*purdah*). Female vaccinators are not available at less than Rs. 40 a month, while the supply of suitable candidates is extremely limited in every district. In the circumstances, I propose to waive the condition of employment of female vaccinators as a first charge on the allotments, both past and future.

Road Board.

*18. **Babu SATYA KINKAR SAHANA:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the number and names of the members taken from each of the districts of Bankura and Midnapore to the Road Board Committee;

(*ii*) the amount allotted each year since the beginning from the Provincial Road Board Fund to each of the said districts; and

(*iii*) the work done in the said two districts with the money sanctioned by Government on the recommendation of the Road Board Fund?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) A copy of Resolution No. 5895L.S.-G., dated the 15th December, 1931, as amended to date constituting the Road Board for 1932 is laid on the table. It is believed that none of the members resides in Bankura or Midnapore district.

(*ii*) and (*iii*) The member's attention is invited to the reply to an unstarred question to be asked by Haji Badi Ahmed Chowdhury at this meeting. None of the projects sanctioned in the quinquennial programme traverses Bankura or Midnapore district.

Resolution referred to in the answer to clause (i) of starred question No. 18.

RESOLUTION No. 5895L.S.-G., DATED CALCUTTA, THE 15TH DECEMBER, 1931, BY THE GOVERNMENT OF BENGAL, LOCAL SELF-GOVERNMENT DEPARTMENT, AS AMENDED TO DATE.

Minister-in-charge: The Hon'ble Mr. Bijoy Prasad Singh Roy.

The Government of Bengal (Ministry of Local Self-Government) are pleased to constitute a Road Board consisting of the following members to advise Government on the programme for expenditure from grants from the Central Road Fund, for the year 1932:—

(1) The Hon'ble Minister in charge of the Local Self-Government Department, President.

(2) Secretary to the Government of Bengal, Finance Department.

(3) Secretary to the Government of Bengal, Public Works Department.

(4) Secretary to the Government of Bengal, Local Self-Government Department.

(5) Chief Engineer, Public Works Department.

(6) Rai Keshab Chandra Banarji Bahadur, Chairman, Dacca district board.

(7) Raja Moni Lal Singha Roy, C.I.E., Chairman, Burdwan district board.

(8) Maulvi Jalaluddin Ahmad, Chairman, Chittagong district board.

(9) Maulvi Syed Nausher Ali, M.L.C., Chairman, Jessore district board.

(10) Sir Walter Lancelot Travers, KT., C.I.E., O.B.E., M.L.C.

(11) Rai A. C. Banerjee Bahadur, representative of the Bengal National Chamber of Commerce.

(12) Mr. R. A. Towler, representative of the Bengal Chamber of Commerce.

(13) Mr. J. R. Farquharson, representative of the Indian Roads and Transport Development Association.

(14) Mr. T. R. Neely, Commercial Traffic Manager, Bengal-Nagpur Railway, representative of Railways in Western Bengal.

(15) Colonel F. M. Leslie, V.D., representative of the Bengal Automobile Association.

(16) Traffic Manager, Eastern Bengal Railway, representative of Railways in Eastern Bengal.

(17) Mr. J. W. Ross, representative of Motor Industries Association.

2. The Board as constituted will hold office for the year 1932.

Ordered that the resolution be published in the *Calcutta Gazette* and that copies of it be forwarded to the members of the Board.

Appointed Chairman, District Board, Midnapore.

*19. **Mr. R. MAITI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the appointment of the official Chairman of the Midnapore district board was made only for one year in supersession of the elected Chairman by notification No. 296L.S.-G., dated the 13th June, 1930?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action the Government have taken to restore the right of electing their Chairman by the said board after the expiry of the said term?

(*c*) If the right of election has not been restored, what are the reasons for the same?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) The appointment of the District Magistrate as Chairman of the Midnapore district board was renewed for a period of one year in notification No. 2072, dated the 4th June, 1931.

(*b*) See (*a*).

(*c*) The reasons are summarised in the terms of a resolution adopted by the Midnapore district board unanimously at a meeting held on the 28th February, 1931, to the effect that—

"In view of the precarious financial condition of the board and the anomalous state in its administration and considering the valuable services and sincere work done by the present Chairman to square up the difficulties and improve the situation it is resolved that Government be requested to appoint him for another term after the expiry of his present term."

Unstarred Questions

(answers to which were laid on the table).

Arakan Road, Chittagong.

18. Haji BADI AHMED CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state

(*i*) what amount of money has been sanctioned on the recommendation of the Provincial Road Board this year and the preceding year in different districts of Bengal; and

(*ii*) what amount has been spent for the purpose;

(*iii*) the amount that has been budgeted and spent in the district of Chittagong; and

(*iv*) the roads in the Chittagong district on which the said amount has been paid?

(*b*) Is it a fact that the Government sanctioned a sum of one lakh of rupees for the Arakan Road in the district of Chittagong?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the sanctioned amount is being utilised for the purpose?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) A list of the projects sanctioned at the cost of the Central Road Fund with expenditure to date against each is appended. In the case of roads passing through more than one district Government have no information as to the amount spent in each district.

(*iii*) and (*iv*) Budget provision for the Arakan Road is—

	Rs.
1931-32	... 1,00,000
1932-33	.. 1,00,000

No expenditure has yet been incurred.

(*b*) The quinquennial programme approved includes a project for bridging the Arakan Road at a cost of Rs. 5,00,000.

(*c*) The estimates have not yet been sanctioned.

List of projects referred to in the answer to clause (a) (i) and (ii) of unstarred question No. 18 sanctioned at the cost of the Central Road Fund with expenditure to date.

Projects.	Expenditure to date. Rs.
(1) Grand Trunk Road ..	6,19,000
(2) Calcutta-Baraset Road (Calcutta-Jessore Road) ...	3,20,000
(3) Diamond Harbour Road ..	4,45,000
(4) Mainamati-Barkanta Road ..	1,30,000
(5) Pabna-Ishurdi Road .	1,000
(6) Ghoshpara Road .	.....
(7) Dacca-Narayanganj Road ...	.....
(8) Jhenidah-Magura Road ..	.....
(9) Mymensingh-Tangail Road ..	.....
(10) Chittagong Arakan Road ...	.....
(11) Dubrajpur-Illambazar Road ...	.....
(12) Burdwan-Arambagh Road ...	.....
(13) Krishnagar-Taguli Road ...	.....

Union Boards in Rangpur.

18. Kazi EMDADUL HOQUE: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state in a tabular form the names of union boards in the rural areas, thana by

thana, of each of the subdivisions of the district of Rangpur giving the following particulars for the last ten years including the present year:—

(*i*) the rate assessed under section 37 (*a*) and 37 (*b*) of the Bengal Village Self-Government Act, 1919;

(*ii*) the rate realised under section 37 (*a*) and 37 (*b*) of the Bengal Village Self-Government Act, 1919;

(*iii*) the length of the roads constructed;

(*iv*) the number and kind of wells constructed or other works done under the head "Waterworks";

(*v*) any other works of public utility;

(*vi*) the subscriptions, donations, or local contributions if any, raised or received;

(*vii*) the amount of contributions or grants received from Government or the district board;

(*viii*) the amount of money raised and paid to the Government on account of liveries of the dafadars and chaukidars;

(*ix*) the cost of uniforms supplied to the dafadars and chaukidars incurred by Government up to date; and

(*x*) the date on which the powers of Court or Bench, if any, have been conferred?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) to (*ix*) It is regretted that Government do not see their way to undertake the task of compiling this information from individual union boards, as they would involve excessive time and labour; but the attention of the member is invited to the statistics for union boards in the Rangpur district in Appendices I and J to the resolutions on district boards since the year 1926 (when union boards were first formed in Rangpur district) copies of which will be placed on the Library table.

(*x*) *Vide* notification No. 3345J., dated 28th March, 1929, No. 3452-3543J., dated 24th April, 1931, and No. 4394J., dated 16th June, 1931, copies of which will be placed on the Library table.

Recruitment of Moslems to public services.

20. Khan Bahadur Maulvi ALIMUZZAMAN CHAUDHURI: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state the number of appointments held at present respectively by Europeans, Hindus and Muslims in this province in the following services:—

(1) District Officers, Additional District Magistrates and Joint Magistrates;

(2) District and Sessions Judges;

(3) Bengal Civil Service (Judicial) including temporary Sub-Judges and Munsifs;

(4) Inspectors of Police (Bengal Police);

(5) Calcutta Police—Assistant Commissioners;

(6) Calcutta Police—Inspectors of Police;

(7) Bengal Engineering Service (Senior and Junior);

(8) Bengal Educational Service;

(9) District Health Officers;

(10) Bengal Agricultural Service; and

(11) Provincial Forest Service?

(*b*) Will the Hon'ble Member be pleased to state whether the proportion of Muslim representation in the above services has reached the minimum percentage laid down by Government?

(*c*) Will the Hon'ble Member be pleased to state whether the Government propose to take early steps to change the method of recruitment and promotion?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The information is available in the Bengal Quarterly Civil List, to which a reference may be made, except in the case of the Inspectors of Police. The information about these officers will be obtained and supplied to the member.

(*b*) Percentages have been prescribed for direct appointments and not for services, or for appointments by promotion.

(*c*) No.

Right of electing Chairman by District Board, Mymensingh.

21. Maulvi ABDUL HAKIM: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is in the contemplation of Government to restore to the Mymensingh district board the power of electing their Chairman?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for the same?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) The matter will be taken into consideration as soon as this district board is reconstituted which is expected to be in the near future.

(*b*) Does not arise.

2-45 p.m.

Maulvi NUR RAHMAN KHAN EUSUFJI: Sir, the answer given by the Hon'ble Minister is not clear.

Mr. PRESIDENT: What is your supplementary question? You are not supposed to comment on an answer given.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Minister be pleased to state whether the Government is going to restore to the Mymensingh District Board the power of electing their Chairman?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have nothing more to add.

Maulvi SYED MAJID BAKSH: Does the Hon'ble Minister mean by the expression "as soon as this district board is reconstituted" that the members will be elected under the Act?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister be pleased to state how long this matter of reconstituting the district board has taken?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, the local board elections were delayed for some time, because the district board failed to print the election rolls.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether he has already notified for the election of members of various local boards?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The election results are not notified by Government.

Maulvi SYED MAJID BAKSH: I want to know whether he has given instructions to hold the election of the local boards.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The Commissioner of the division does this.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether he has written to the Commissioner or whether he knows that the Commissioner has asked the district board to hold the elections?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have nothing more to add.

Resolutions

(on matters of general public interest).

[The discussion on resolution regarding release of persons detained under the Bengal Criminal Law Amendment Act was then resumed.]

Rai KAMINI KUMAR DAS Bahadur: Mr. President, Sir, the mover of this resolution, Mr. Shanti Shekhareswar Ray, proposes that we should recommend to the Government to release all persons detained without trial under the Bengal Criminal Law Amendment Act, 1930. Mr. Ray is evidently feeling very keenly for such detention without trial, because, on the face of it, it is revolting to our ideas and sense of justice. But to our misfortune, this detention is under an Act to supplement the ordinary criminal law in Bengal.

It provides that if in the opinion of the Local Government any person is guilty of acts and offences mentioned in section 2 of the Act, then he shall be committed to custody in jail and afterwards, as laid down in section 9, two judges will be appointed before whom the material facts and circumstances in possession of the Local Government on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a statement of the allegation against the persons in respect of whom the order has been made and his answers to them, if any, shall be placed. The judges after due consideration of all these shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order. So far *so good*: what follows next cannot be expected from a civilised Government under normal circumstances. The law styles the persons appointed, as judges, but their position is in no way better than that of advisers or assessors. Government is not bound to abide by the decisions of these judges. It will only consider the same and may pass whatever order it pleases and the proceedings and report shall be confidential. That is the rule. Why this fuss? Why the eminent men of our society have been dragged in this affair I fail to understand, but there is an Act. So long as this law—whatever name we can give to it—remains in force, may I inquire, Sir, if we can accept this resolution because detention is without trial though there

is no provision in the law for trial. The only feasible solution in the case of such detention is to have recourse to section 10 and we may just recommend to the Government to exercise its power if some responsible gentlemen come forward on behalf of any particular detenu and undertake to take proper care to see that he becomes a law-abiding peaceful citizen.

I cannot deny that many persons have been detained on false or untrue or imperfect information; it is a fact that keeping the proceedings and report of the judges confidential is not desirable and in my opinion is impolitic and prejudicial to the interest of Government. So if, in my opinion, the law would not stand in our way, I could join hands with my friend to recommend to the Government to release these persons whom we have reason to believe to be innocent, but as I understand the law, I think we cannot do so as a general rule and recommend release of all persons detained without trial but can only recommend to the Government to treat the case of all detained persons carefully and sympathetically and exercise its power under section 10 more liberally.

Mr. S. M. BOSE: Sir, I had no desire to speak at all, but having regard to Mr. J. N. Gupta's speech, I feel impelled to say a few words, confining myself to only one particular aspect of the evils of the system of internment camps.

While I am in sympathy with the object of the resolution, I may at the same time say that I fully realise the difficulties of the Government. They are faced with a grave menace, that threatens the State, menace all the more dangerous as it is subterranean, and so difficult to counter. Government have a very unpleasant task to perform, a task, I am sure, repugnant to every Englishman. I have no doubt that Government is sincere in its desire to avoid doing anything which would unduly interfere with the liberty of the individual, unless it is actually forced to do so. But while admitting this and giving Government every credit for honesty of purpose, I desire to point out that the methods followed by them are sure to aggravate the disease.

In an internment camp, hundreds are kept together and come in close contact with each other. Some of them are doubtless hardened terrorists, but many of them, beyond question, are raw impressionable youths, just on the fringe of the movement—fine young men deeply imbued with love for the country, and anxious to do something for it—men who have not yet caught the taint.

3 p.m.

But in the moist hothouse atmosphere of the camps, germs of anarchism are soon developed, and contagion spreads rapidly. This is

the direct result of herding together various types of men. So I ask why throw together the ardent anarchist and the impressionable young man who is so quick to learn? Does not the Government method breed [illegible]rists? I imagine that anarchists are rejoicing that Government is [illegible]ing them by furnishing more recruits, for in truth these camps are no better than anarchist training schools.

I, therefore, suggest a two-fold remedy: (1) a careful examination of each case by two High Court Judges, and (2) immediate release of all those who are as yet unaffected, and so likely to turn over a new leaf. Every case should be laid before two judges of the High Court who will go through the record, interview the detenus, and take all necessary steps to sift the truth; and their recommendations should be followed. I believe such a method has been adopted before, in similar circumstances, with good results. The policy of keeping together a large number of men in a camp should be stopped at once.

Sir, as I have no wish to be misunderstood, I want to make it clear that I am opposed to the policy of the internment camps, that, in my opinion, these camps have proved failures, and are likely to aggravate the malady; but should the Government, against our advice, decide to continue them? I make the above suggestion for consideration.

I conclude by an earnest appeal to the Home Member to see if he cannot adopt them. I am convinced that he is as anxious as any of us to avoid causing unnecessary inconvenience; and in this belief, I request him to accept my suggestion.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, the numerous speeches which have been made on this resolution show the deep interest that is felt in the subject by all sections of the House. There have been so many speakers that I am compelled to exceed the ordinary limit of time in replying to the discussion. I shall endeavour to be as brief as I can, but I think the House would wish that I should deal with the various points that have been raised.

The resolution which is before the House is to the effect that this Council recommends to the Government to release all persons detained without trial under the Bengal Criminal Law Amendment Act, 1930. As is quite natural, the debate has turned into an attack on the Bengal Criminal Law Amendment Act itself. The Act has been assailed from different points of view. One section of the House has assailed it on the ground that it is an evil in itself. A second section has assailed it on the ground that it has failed in its object, and a third section has assailed it on the ground that the Act is not properly administered; while another section—at any rate one member—stated that he did not trust any of those gentlemen who are entrusted with the administration of the Act; therefore the whole system must go

Sir, I propose to deal with the various aspects in the reverse order. The first point I wish to take up is the attack made on the honesty of the various officers who are entrusted with the administration of this Act. It is mainly based in some extraordinary way on the failure of the Government to publish a certain report in connection with Chittagong. I do not know if Mr. Jitendralal Bannerjee among all his various activities has anything to do with the teaching of logic. If he has, I should imagine that he would find it extremely difficult to defend the argument that because Government has failed to publish the report on Chittagong, the Bengal Criminal Law Amendment Act is not properly administered. Of course it is the entire reverse of truth. All these cases are dealt with with the utmost care, and I shall endeavour once again to explain to the Council the various stages of the procedure adopted in dealing with these cases. There is an impression abroad—or at least there are some people who say that there is such an impression—that any policeman can put anybody into jail under this Act without any trial. That is entirely the reverse of the facts. No one in the districts has any power to get any one interned under section 2 (*1*) of the Bengal Criminal Law Amendment Act. Certain officers have certain powers under section 4 (*1*) of the Act to put a man in custody for 15 days. Any extension of that period requires the orders of Government and even Government cannot order a man to be detained in custody under section 4 (*1*) beyond one month. What happens is that there is a Central Bureau in Calcutta which collects, collates, compares and verifies as far as possible all the information that is received from all the various sources, Indian and overseas, about the activities of individuals or bodies. I have handled a large number of these files and I have been struck by the care, the extraordinary care, with which officers of all grades scrutinise these cases. They have no hesitation in pointing out that a case is weak, that there is no corroboration of an incriminating statement, that the identity of the individual referred to in the statement from different sources has not been made out. Everything is carefully scrutinised and I can assure the House that there is not a single case that comes up in which the facts are not handled with the most meticulous care. What happens is that the case is first dealt with by subordinate gazetted officers and then it comes up to one of the senior officers who examines it again. The case then goes to the Deputy Inspector-General of Police who makes his criticisms and finally sends it to Government. It is then examined by one of the gazetted officers of the Secretariat who states what he thinks of the case and whether it satisfies the requirements of the Act and then the case finally comes up to me. I can assure the Council that the Act is very carefully administered. I am very careful to see that the powers under the Act are not improperly

exercised and it is only when I am convinced that there is a case made out against the person concerned that I pass the order for his detention under one or other of the sub-clauses of section 2 (*1*) of the Act. So much for the checks exercised by the Executive side of Government; I claim that they are both thorough and honestly exercised. But there is another check provided in the Act. The Act lays down that every case, in which an order under section 2 (*1*) is passed, should be placed within a month from the date of the order before two persons who have worked as Sessions Judges or Additional Judges for at least 5 years. So all these cases are again examined by two judges and I can assure the members of Council that a careful scrutiny is exercised by these judges. I see all the orders that they pass and I know from experience that they examine the cases very carefully, and that if they are not satisfied about any detail, they call for further papers and are given them. I am glad to say that I can only remember one case in which the judges have not been able to come to the same conclusion as Government did, and in one or two other cases the two judges differed in their views. But the percentage of cases that have failed to pass the scrutiny of these judges is extraordinarily small and that is not at all surprising considering the system.

For what is the present system? It is a system which has been in force for many years. It was examined in detail in 1918 by the Rowlatt Committee, which consisted of a Judge of the King's Bench, the Chief Justice of the Bombay High Court, an Indian judge from Madras, a Bengali lawyer whom we all know, and one member of the Executive Service. They were completely satisfied with the soundness of the methods adopted and with the care taken to arrive at correct results. There was subsequently another investigation of this system and this time it was made by two High Court Judges, *viz.*, Messrs. Justices Beachcroft and Chandravarkar, who were put on special duty for the purpose.

3 p.m.

They examined a large number of cases. I forgot the exact figure, but I think it was 806, and they reported that out of this number in only 6 cases they were not satisfied that there was sufficient evidence. Even in these 6 cases they did not think that justice had not been done. What they thought was that there was an element of doubt, which should be given in favour of the suspect. Well, Sir, the system that has stood these two critical investigations is the system which is in force to-day; and I do not think any member of this Council can reasonably argue that he is not satisfied that the utmost care is taken to see that justice is done in these cases. Of course mistakes may be made—every honest man makes mistakes—but we

do our utmost to avoid them. One member yesterday said that he knew of one or two cases in which mistakes had been made and I asked him to give me the names so that I could examine the cases again, and I make the same offer to every member of this Council. Meanwhile I trust, Sir, that I have satisfied the Council that the charges that have been brought against the people administering the Act are neither fair nor justified.

Now I turn to the second aspect from which the Act is criticised It is said that the Act ought to be abolished because of the way in which it is administered and the speakers who have supported this view naturally base their arguments on what happened at Hijli. Well, Government have already expressed their views about that tragedy, and I do not propose to repeat them. No one can possibly deplore that tragedy more than Government do, but I deny that it is a fair representation of the manner in which detenus are treated. Members may not realise that there are non-official visitors appointed for all places where there are detenus and Sir Lancelot Travers who is one of the non-official visitors has told us his opinion of the conditions under which these detenus are housed. The same account has been received from other non-official visitors elsewhere. I can assure this Council that everything possible is done to maintain the detenus in health and comfort. Indeed, the attack which has recently been made on Government is that Government ought not to spend so much money on them. The last speaker raised another point, and a very important point it is. He said that the policy of internment failed because it made the people who had been detained in these camps much worse. I am afraid that in some cases this is true. If Bengal were in a more prosperous financial condition, the schemes for the care and custody of these detenus might be more on reformative lines. I should myself like to see some of them transferred to a camp which could be run on the lines of a school or college and where their education could be continued on sound lines so that they could be returned to ordinary life better citizens and less of a danger to the State than they are at present. I notice that Mr. Jalaluddin Hashemy who is no friend of Government will not vouch for any more than 40 per cent. of the detenus being innocent. Even on this basis, 60 per cent. of these people are a potential danger to the State, and Government in the discharge of the duties imposed upon them by this Council, when it passed the Bengal Criminal Law Amendment Act, have interned them to prevent further crime. I admit that the conditions in the camps are not so satisfactory as they might be, but this is due mainly to the want of funds. If the Council were willing to give us the money to establish reformatory schools or colleges or something of that kind, I should be most grateful. But in the present financial condition of the province, it is impossible to do more

than we are doing. I submit that there is no ground for attacking the Act because of the way in which it has been administered.

Next, we come to the attack on the Act in that it is an evil thing in itself, and entirely opposed to the principles of British justice, and that it ought to be repealed. Mr. J. N. Basu, the principal speaker in support of this argument, said that what was required was to bring these people to open trial, and get them convicted, and gave the Council his version of the early history of the movement. The ordinary law was, in his opinion, adequate, and I think he said that the earlier movement showed that Government got convictions in 90 per cent. of the cases. But he failed to say anything about the percentage which the cases that went to trial bore to the crimes which were perpetrated.

I have already referred to the committee known as the Rowlatt Committee. That committee was appointed by a resolution of the Government of India, dated 10th December, 1917, and the second of the terms of reference to that committee was "to examine and consider the difficulties that had arisen in dealing with such conspiracies (*i.e.*, the criminal conspiracies connected with the revolutionary movement in India) and to advise as to the legislation, if any, necessary to enable Government to deal effectively with them." Obviously in 1917 the Government of India had realised that difficulties had arisen in connection with revolutionary conspiracies, and that at least there was a possibility that additional legislation was required to deal with it.

Babu JATINDRA NATH BASU: Before that we had the War.

The Hon'ble Mr. W. D. R. PRENTICE: Terrorism began in 1906; the War began in 1914.

As I was saying that committee was appointed, and I have already explained the constitution of the committee to the Council. Their conclusions about the ordinary machinery of the criminal law will be found in paragraph 169 of their report. They said: "The main reason why it has not been possible by the ordinary machinery of the criminal law to convict and imprison on a larger scale those guilty of outrages and so put down crime is simply want of sufficient evidence. There have been 91 dacoities since 1907, of which 16 were accompanied by murder, and from January 1st, 1915, to June 30th, 1916, there were 14 murders, 8 of them being of police officers, for which it has not been possible to put any one upon trial. This difficulty in obtaining legal evidence has been no doubt greatly enhanced by terrorism, as we shall show. But apart from this, the inherent difficulties are formidable." In paragraph 170 they have given examples of cases where no one had been brought to justice

and where the committee thought that the information before them showed beyond any reasonable moral doubt at least some of the guilty parties. That was the finding of this mainly judicial committee, and what did they recommend? In paragraph 187 of their report the committee said: "We have been forced to the conclusion that it is necessary, in order to keep the conspiracies already described under control in future, to provide for the continuance after the expiry of the Defence of India Act (though in the contingent form explained and under important limitation) of some of the powers which that measure introduced in a temporary form. By those means alone has the conspiracy been paralysed for the present, and we are unable to devise any expedient operating according to strict judicial forms which can be relied upon to prevent its reviving, to check it if it does revive, or, in the last resort, to suppress it anew. This will involve some infringement of the rules normally safeguarding the liberty of the subject."

Those are the recommendations of the committee. They found themselves compelled to go outside the ordinary machinery of the law to deal with the situation that then faced Bengal, and the recommendations contained in the latter part of the report, for all practical purposes, now appear in the Bengal Criminal Law Amendment Act, with the addition of the scrutiny by two judicial officers to which I have already referred. Surely, in the face of these recommendations, it is impossible for any reasonable person to say that the Act is contrary to the spirit of British justice, and that it has been enacted in a spirit of retaliation, or that the ordinary provisions of the law are sufficient to deal with the situation. For the position to-day is very much the same as it was then; there are murders and all kinds of acts of violence which cannot be dealt with under the ordinary provisions of the law. The evidence we have is not sufficient, we cannot bring the offenders to open trial. Surely, on the face of the recommendations of the committee, no sensible member of this Council will say that the Act is contrary to the spirit of British justice and that we are not justified in resorting to the measures embodied in it.

Then there was the last attack, on the ground that the Act had failed in its purpose, and it was added that in the past Government had said that if they got the powers which are embodied in the Act, they would put a stop to terrorism. I have not been able to trace the statement which is referred to, and I doubt very much whether, when it is traced, it will be found to be in this unqualified form.

3-15 p.m.

Sir, we have been told that we have not been able to stamp out terrorism yet, that we have not been able to check this spread of

terrorism, although we have had these extraordinary powers for years. I have no doubt about that. Government have always recognised that they have not been able to prevent acts of terrorism. But, Sir, what is needed more than anything else to permanently stamp out terrorism from the province is a healthy public opinion. Mr. J. N. Basu referred to the growth of terrorism in the province. After all, terrorism is of 25 years' growth now. Most of the present day terrorists have been brought up in the atmosphere of terrorism. All these years, what has been the feeling in the country? There has been a poisonous seed which, growing, has poisoned the mind of the youth of the present generation. Government cannot by itself prevent the youth of the country from being poisoned with antagonism against Government. What we can do, what we have done, is to call upon the people of Bengal to co-operate with us, to recognise the cancer which has grown in our midst, and which, if not excised now, will be bitterly regretted later on. This movement is at present mainly against the British Government which is now in power. There is no promise, there is no indication, that the Indian Government which will be in power before many years have passed, will not be confronted with this menace. We have been told that after the constitutional reforms terrorism will cease. But even so, we cannot compromise with terrorism at present. We may not succeed in stamping out terrorism altogether, but we must do our best, and in this connection we ask for the co-operation of the people of Bengal. They must realise that there is a great and serious responsibility on the shoulders of persons who are in a position of authority and influence to co-operate with Government in their efforts to get rid of this cancer from society.

We have been told that the Act has failed to stamp out terrorism. It may have failed, but I submit that the Act has checked the growth of terrorism, though it may have driven it underground, and it may raise its head later on. Mr. J. N. Basu has pointed out that when the Rowlatt Committee was sitting, there was a war going on. But it must be remembered that the extraordinary powers taken at that time had the effect of checking the activities of the terrorists, so much so indeed that with the inauguration of constitutional reforms Government were able to proclaim a general amnesty. Unfortunately some of the amnestied persons were subsequently found to have renewed their terrorist activities. And so similar powers were taken in 1924 when an Ordinance was issued which was subsequently embodied in an Act. The result of the action taken under the Ordinance was such that terrorism was again driven underground—so much so indeed that when the Act was about to expire, Government took the risk of repealing all the sections except the sections dealing with the provision of appointing commissioners under the Act. Very shortly after the Act was repealed, the Chittagong raid occurred,

and an Ordinance had to be issued the next day. This Council at that time recognised the seriousness of the situation and willingly shared the responsibility of dealing with the situation by passing the Act of 1930. Once again we were forced to have resort to special powers, and we carried on under these powers for some months. But these special powers did not prove to be sufficient, and we have now been given wider powers under the Ordinances issued towards the end of last year. Under it we can deal not only with the active terrorists but also with all those who have any connection with or support in any way terrorist organisations. These are the powers which we are now using and I can assure the Council that under these powers we have been able to——

[Here the Hon'ble Member reached his time-limit but was allowed by the Hon'ble the President to go on.]

——in some measure to control, if not to put a stop to, the terrorist movement, and to interfere with the activities of its members and supporters.

Sir, what is the mental attitude of these people? The Rowlatt Committee in paragraph 31 of their report stated that "the intentions of the revolutionaries were eventually to subvert by violent means British rule in India, and meantime to assassinate Government officials and to finance their enterprises by plundering their fellow countrymen." Sir, I submit that this is almost the state of affairs at the present day. In this connection I would refer to the confession of Dr. Narayan Ray who was convicted in 1930 for the manufacture of bombs. Here I may be allowed to digress for a few moments. I have seen it stated that in no case has it been proved that any member of the Congress has been guilty of terrorist crimes. To those who hold such views I would refer them to the case of Dr. Narayan Ray, a Congress Councillor of the Calcutta Corporation, who was convicted in 1930 for the manufacture of bombs. Dr. Narayan Ray made a confessional statement after his arrest which he subsequently withdrew. Both the High Court and the Tribunal, however, held that confession was true and they also held that it was voluntary, and that what was stated in the confession was correct. That was a judicial finding of these two courts. Well, Dr. Narayan Ray said in his confession that in December, 1929, he began to think seriously of making an end to the British rule by killing European and Indian officers of Government. Only last week we arrested a man who had in his pocket the "minimum programme" of the modern revolutionary which is almost the same as that of Dr. Narayan Ray's. His object is "independence" and the means he proposes to use include mob violence, chaos, mob rising,

revolution, dacoity, forging, smuggling, organised terrorism "rising province by province (if possible two or three at a time)," the final end being to establish a republican form of Government.

Sir, that is the sort of person we are dealing with. Does the Council really want to release these people? (Mr. B. C. CHATTERJEE: We want to have them brought to trial.) But that is not the resolution. The object of the resolution is to release them all. Will it really help us to get rid of terrorism? We have got them in safe custody and in that way we are saving Bengal from crimes of violence and worse. Do you really want them to be at large? Take the case of those cowards who were behind these wretched girls at Comilla and egged them on to commit an outrage they were too cowardly to attempt themselves. We have got these men, but we cannot prove anything against them in court. Would Mr. Shanti Shekhareswar Ray who moved the resolution really like these men to be at large and have the chance of getting among the ladies of his family, and is this really the wish of those who have supported this resolution? I doubt it.

Sir, I recognise that no one likes people being kept under detention without trial. Neither Europeans nor Indians like it. I myself hate the whole beastly thing. I know what a waste of money this thing involves. Bengal is short of money for every thing and yet we are compelled to spend lakhs and lakhs in protecting Bengal from her own sons—and yet the Council comes along with this resolution for releasing them all! I would ask the Council to realise its responsibility in this matter—to realise that there is really a serious state of affairs in Bengal, that there is a danger which, if not adequately met now, may have appalling reactions in future.

I would ask the Council to recognise the extraordinary good work which is being done for them mostly by their own country men, for the body that is dealing with it is mostly composed of Indians with only a few Europeans at the top. And what is their aim and object? It is to stop violent crimes and to protect their fellow country men from such crimes. I call upon the Council to show that they recognise this responsibility by turning down this resolution which asks us to release all these criminals—yes, to turn it down unhesitatingly.

3-30 p.m.

Mr. PRESIDENT: Do you want to exercise your right of reply, Mr. Ray? Then, I am afraid you will have to wait till to-morrow, as the motion for adjournment will now be taken up.

Mr. SHANTI SHEKHARESWAR RAY: Very well, Sir.

Motion for adjournment.

Mr. PRESIDENT: Before you actually move your motion, may I ask you to tell me what issues you are going to raise in the debate? For that will help me to control the debate and confine it to those points only.

Mr. NARENDRA KUMAR BASU: The issues that I am going to raise are these: Firstly, I shall submit to the House that the report on the Chittagong matter is one which is pre-eminently fit to be published and ought to be published, and which various authorities in the Government, if not directly promised at least said, would be published.

The Hon'ble Mr. W. D. R. PRENTICE: May I ask who said that?

Mr. NARENDRA KUMAR BASU: The Viceroy said this, and I think His Excellency the Earl of Willingdon is a higher authority than the Government of Bengal.

Secondly, that this non-publication of the report is an act of breach of faith.

Thirdly, that the refusal to publish the report has created a situation which is unprecedented and which would seriously reflect on the future conduct of the elected members of this Council.

Mr. PRESIDENT: Refusal not as indicated by any answer to any question?

Mr. NARENDRA KUMAR BASU: I am not concerned with questions or answers or anything like that.

I beg to move that the business of the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, viz., the situation arising out of the fact that Government has not thought fit to publish the report on the Chittagong matter.

Sir, it is needless for me to draw the attention of the House to the appalling circumstances that occurred in Chittagong on the 30th of August, 1931, and on the two succeeding days and nights. A mere narration of the events that happened there sent a thrill through the whole population of Bengal; and I am also certain that they sent a thrill through the European residents of Bengal as well. Immediately after that reports were received in Calcutta and in different parts of the province that these occurrences had been engineered by some of the men in authority in Chittagong with the help of non-official Europeans, and policemen as well as different inflammable sections of the Indian community. I submit that these were very serious

allegations and it was up to Government to appoint a non-official or a mixed committee to inquire into them, but they did nothing of the sort. The inhabitants of Calcutta met at a meeting shortly afterwards and appointed a non-official committee. Some of the members of this committee visited Chittagong and published a report. I shall not at this late date attempt to harrow the feelings of any member of this Council with reading out that report in full or even long extracts from it, but there are several findings in that report which, I submit, ought to be known to members of this House, because they would add to the regret which members of this House would feel that the official report on those occurrences has not seen the light of day nor is it going to see the light of day. Quoting from one of the witnesses the committee says: "On Sunday night, the 30th August, it was the police with the help of soldiers who molested innocent citizens. On Monday the police having instigated ruffians to plunder and arson, did nothing to help their victims. People who appealed to the officers in charge of the police-stations and to the subdivisional officer and the District Magistrate received no assistance from them." "On Monday when the ruffians seemed to take more time than was apparently allotted to them, they were warned that they had to complete their work within a certain time —the prescribed limit of immunity. It seems that a certain period was originally fixed during which those who wanted to loot could do so with utmost safety." "In the hinterland of Chittagong a school was raided by uniformed European police officers. The head master was absent from the school that day; the school had both Hindu and Muhammadan pupils. The assistant head master went out to greet these policemen to show them every courtesy. The courtesy shown in return by these men was (1) to ignore them, (2) to ask for the leaders of the Hindu boys in the school, (3) to parade some of the tallest Hindu boys, and (4) to place them one after another on a table head downwards, to hold up their legs and to administer to their bare limbs ten to fifteen lashes. Even the Muhammadan boys who happened to wear what are known as Gandhi caps were not spared." This, says the committee, is reminiscent of the Punjab atrocities of 1919. This was not an isolated instance. It took place in the village of Sharaotoli: "One thing was clearly borne in upon us in our investigation of the incident outside the town of Chittagong, namely, that in all the outrages which took place on Monday, Tuesday and Wednesday, there was nothing in the nature of a communal disturbance in these villages. In the systematic raid on private dwellings and their wanton destruction there is no evidence that a single Muhammadan villager took any part. They were carried out under orders of British officers by members of the Eastern Frontier Rifles commonly known as Gurkhas."

"In another village young men were indiscriminately beaten. Foodstuffs found in the houses were rendered unfit for human

consumption; even *saris*, quilts, wearing apparel were cut to pieces; cooking utensils were ruthlessly destroyed. All this was done by daylight."

You will be surprised to hear that the Panchajanya Press which is housed in that locality of Chittagong which is known as Rahamatganj was raided some time after 10-30 p.m. by a party of Europeans armed with revolvers. The final findings of the committee are—

"(*1*) The affairs of Sunday night were the result of concerted action by European non-officials, European officers and Muhammadan police.

(*2*) Monday's looting was with the knowledge of local authorities at the instigation of the police. It was started and carried on under the protection of the police.

(*3*) In the mufassal the disturbances took place under orders from the local authorities.

(*4*) Behind the disturbances which had been planned the motive was to terrorise people, particularly the Hindus."

The committee says that "the question that needs an answer is this: how did these men in the service of Government acquire the sense of immunity which alone could have emboldened them to perpetrate with the resources of Government the unspeakable crimes with which we, on the evidence before us, charge them?"

These findings are not confined to the printed report alone; the more salient of them were stressed by Mr. J. M. Sen Gupta in a public meeting at Calcutta when he threw out a challenge to the District Magistrate and to the Government to contradict him or put him to jail if his allegations were not true.

That challenge is still unanswered; although he has been incarcerated, it is not for those utterances of his.

Before this report was printed, in September, 1931, in reply to a communication from the members of this committee, the Private Secretary to His Excellency the Governor said: "When Government receive the report (that is, the report that Government had asked Mr. Nelson and Mr. Craig to submit) they have called for from the Commissioner, it will be seen whether the information upon which His Excellency based his reply to the imputation contained in the Hindu Mahasabha's letter was misleading in any respect and what further action on the part of Government may be necessary or desirable. Till then judgment must be suspended." This letter was sent to the press by the Private Secretary, who said: "As you have sent a copy of your letter to the press, I propose to send to the press a copy of this reply after you have received it." I submit that this is a clear indication that the report would be published in the press.

Then, again, on the 28th December last, the members of the Bengal National Chamber of Commerce presented an address of welcome to His Excellency the Earl of Willingdon, Viceroy and Governor-General of India. Therein they referred to the occurrences at Chittagong. They said: "The preservation of law and order is a matter of supreme concern to your Government, but the truth must not be ignored that it must command public sympathy to achieve its purpose. While we can realise the special anxiety of the Government to give protection to a certain section of the people, we deplore the absence of a like anxiety to prevent the recurrence of happenings such as those in Kishoreganj and Chittagong. These incidents revealed on the part of the custodians of law and order a lamentable inability to protect the interests of the business community against forces which threaten to subvert their very existence."

In course of his reply—I would ask Mr. Prentice to hear what His Excellency the Viceroy, who, I am glad to understand, is still his official superior, said, the Viceroy said: "I must also repudiate the suggestion you have made, when referring to the events at Kishoreganj and Chittagong, namely, that Government show special anxiety to give protection to one section of the people in the name of law and order but fail to take adequate measures for the protection of other sections. The riots at Kishoreganj were essentially economic in origin and assumed a communal colour because they arose from disputes between the peasants and money-lenders. In my opinion, the situation was admirably restored to normal by the prompt action of district officials. As regards the Chittagong case, I must own that I consider your insinuation premature as the case is still under consideration and the final decision has not yet been reached."

After that the report has been received by Government and I take it that it is now time for the people to consider and give their decision on that report. We have been told during the last few months very frequently that the Congress is an unlawful body and that it is beyond the pale of law, but we, the good members of the Bengal Legislative Council, ought to co-operate with Government. You can count on the co-operation of the goody-goody members of the Bengal Legislative Council. But are we infants to be spoon-fed with pop and looly-pops at the hands of the Hon'ble Mr. Prentice? Government says that it is not in the public interest to publish the report. I would like to know what "Government" means in this instance. When I was a student in the law college—not in the University Law College, which has been established only 20 years ago—I read in the Penal Code that the definition of Government as far as I remember, was: Government means the persons authorised by law to exercise the executive administration of the country. Does Government here mean His Excellency the Viceroy? Surely not. Does it mean "His Excellency the Governor"?

Surely not. Does it mean the official Members of the Bengal Executive Council? I refuse to believe that at least some Members of the Executive Council who have been connected with the law and who have a vital stake in the country could have said that it is not to the public interest to publish the report.

3-45 p.m.

Then, Sir, may I know what the term "Government" means? Does it mean Mr. Prentice, the Home Member? In this instance at least Mr. Prentice is the only dictator—the arbiter—of the destinies of the public in Bengal. I submit, Sir, it is no use saying that in the opinion of Mr. Prentice, or shall I say Mr. Prentice and his colleagues, it is not in the public interest that the report should be published. We are certainly adults enough to know what is to our interest and what is not. We are certainly able to understand that it is in the interest of Mr. Prentice, or Mr. Prentice's colleagues or *confreres* in the service, or even of the non-official Europeans that the report should not be published, but it is certainly in the interest of the whole country that it should be published. And I take it that it is in the interest of non-official Europeans themselves, at least for removing the calumny that they say has been spread against them, that the report should be published; and if from the extensive evidence taken by the official committee it is found that the remarks made by the non-official committee were unjust, I take it that the interest of the European community demands that the report should be published: otherwise according to law the presumption would naturally be that you have in your possession evidence, which, if published, would at once prove that the allegations made against the officers in the non-official inquiry committee's report are true. That is a thing which Government should consider and it is certainly not politic to say that Government have decided not to publish the report in the interest of the public. I think, Sir, that in the interest of the country, in the interest of Government and in the interest of the non-official Europeans, the report should be published without any further delay.

Maulvi SYED JALALUDDIN HASHEMY: I rise to support the adjournment motion. Sir, at the outset I shall try to establish a charge of conspiracy against the Government, more serious—more heinous—than any on which the detenus have been condemned. I shall establish the charge and I shall convince the House that the conspiracy is more heinous than the one with which the Meerut case accused have been charged.

Sir, unfortunately I was in Calcutta during the Chittagong occurrence on the 30th of August last and I remember that in the *Statesman* in big bold type it was written that a communal riot had

taken place in Chittagong. I myself was inclined to believe it so much so that I made speeches condemning the communal riot. After that a committee was formed and that committee was composed of Mr. J. M. Sen Gupta, Maulana Akram Khan and others. This committee made inquiries and submitted a report, and a challenge was thrown out by Mr. J. M. Sen Gupta in his famous speech in the Town Hall when he narrated the whole history of the Chittagong affair. After this I saw a press message—I do not know whether a Government *communique* was published or not—but a press message was published that Mr. Nelson had been appointed to inquire into the Chittagong outbreak with the help of Mr. Craig. We have been anxiously waiting to read the report of the inquiry. Now I am going to take up the charge of conspiracy against Government which I have made. After the murder of Mr. Garlick and the attempts on the lives of Mr. Cassells and Mr. Villiers, certain Anglo-Indian papers, particularly the *Statesman*, were crying hoarse every day inciting non-official Europeans to have recourse to reprisals. I have read those articles myself and one fine morning I read a manifesto like the ones issued by the Third International asking for direct action; and after a few days Ashanulla was murdered—and unfortunately he was murdered at Chittagong. Now just after the issue of this manifesto this occurrence took place at Chittagong.

Now, Sir, the royalist party in collaboration with the Europeans, not only in this province but in other provinces, made angry speeches and in one of these speeches somewhere in Madras it was said that the time was coming when they should take direct action and take vengeance for these murders. Probably, Sir, the idea was taken by the Government from those manifestos and speeches and writings of the Anglo-Indian papers and royalist party and the European Association; and the district officers attempted to do these things under the colour of a communal riot. They wanted to kill two birds with one stone and wanted to prove that it was a communal riot and that because a Muhammadan was murdered, the Muhammadans were angry and were justified in wreaking vengeance on the Hindus. But, Sir, they failed, and failed miserably in their attempt to do so. When Mr. J. M. Sen Gupta challenged the district officer of Chittagong, we Congress people were expecting that action would be taken against Mr. Sen Gupta and that damage suits for lakhs and lakhs of rupees would be brought against him. But to our surprise nothing of the kind happened and no suit for damage was brought against Mr. Sen Gupta; and so we were convinced that there was something wrong in the Chittagong affair. Now, probably it might be that Mr. Nelson honestly inquired into the matter with the help of Mr. Craig and found that it was not a communal riot.

I ask the Hon'ble Member-in-charge to make the report public, if not for any other reason, but for the simple reason that otherwise one

would think that the district officer, the subdivisional officer or the Superintendent of Police had the idea of vengeance not only for the murder of Ashanulla on that particular date, but also for the Armoury raid that took place a few months ago. I personally and some of my colleagues and fellow-workers are convinced that the idea of vengeance was prevailing in the minds of the officials of Chittagong from the time of the Chittagong Armoury raid and that idea of reprisal was prevalent not only in Chittagong but in almost all the districts of Bengal. After a few days of the Chittagong occurrence, we found that attempts were made to stir up troubles in Dacca and other places in the shape of communal riots. But these were frustrated by the action taken by the leading men of the Congress and other organisations. Now I want to ask the Hon'ble Member most seriously what harm there will be in publishing the report and why and how its publication will be detrimental to the interest of the public of Bengal. Whatever it may be, let the Government place the report before the public and let us discuss it. If any attempt is made to conceal the report, we shall be inclined to believe that there is something behind it. Now, Sir, in the interest of public or in the interest of the public safety and peace and order, Government can say many things and the Hon'ble Member-in-charge, in particular, can say many things. May I ask him in all seriousness whether it is in the public interest that my letters are always opened and disfigured and those letters written to my wife? May I ask seriously whether it is in the interest of public that motor-cars and motor omnibuses in my subdivision are stopped for Congress men, particularly for myself? Under the colour of public interest they can say many things. The District Magistrate of Khulna, Mr. Holland,——

Mr. PRESIDENT: You need not go into all these details. They have hardly any relevance to the subject under discussion.

Maulvi SYED JALALUDDIN HASHEMY: I will just finish. Now, Sir, at the outset I said that I would establish a charge of conspiracy against Government. Yesterday I said and I repeat it to-day that in Bengal if anybody goes about with a scrutinising eye, I am sure he will find that all the police officers, in spite of the fact that they have been armed with extraordinary powers, are doing things in a way that naturally provokes people and they are trying to bring about communal riots.

The Hon'ble Mr. A. MARR: Sir, I wish to know what it has got to do with the motion under discussion.

Mr. PRESIDENT: I have already said that these have hardly any relevance to the motion under discussion; but, up to certain limits you have to allow one to mention certain things incidentally in order to develop his points.

Maulvi SYED JALALUDDIN HASHEMY: In concluding, I would ask the Hon'ble Member who are the persons who form the royalist party and whether the royalist party exist or not; and I would also ask him whether he has seen the manifesto issued by the royalist party. If he has seen it, does he not consider that the manifesto should be proscribed?

4 p.m.

Mr. PRESIDENT: How do you connect the Chittagong riot with the royalist party or their manifesto?

Maulvi SYED JALALUDDIN HASHEMY: I establish it in this way. The idea of vengeance first emanated from the manifestos which were issued and distributed to European members for vengeance for the murder of Government servants.

Mr. PRESIDENT: Have you anything more definite to prove the relevancy of your remarks?

Maulvi SYED JALALUDDIN HASHEMY: I am asking the Hon'ble Member-in-charge to deny it.

Mr. PRESIDENT: I do not think you will consider that to be a direct method. Strictly speaking, the relevancy of your remarks will be indisputable if you can establish by facts or informations in your possession that the royalist party had something to do with the Chittagong riot.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I rise on a point of order. The motion that we are discussing relates to the situation which has arisen out of the fact that Government has not published a certain report on Chittagong. I fail to see what has that to do with the Chittagong riot.

Mr. PRESIDENT: The word "situation" is broad enough to include that.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I mentioned the names of Messrs. Garlick, Cassells and others and wanted to show that these murders and assaults had something to do——

Mr. PRESIDENT: We are not discussing those incidents.

[At 4-5 p.m. the Council was adjourned for prayer and it reassembled at 4-20 p.m.]

Mr. SHANTI SHEKHARESWAR RAY: Sir, I shall examine this question from a rather different point. The present policy of the Government is to carry on the Government in co-operation and in consultation with the public. In this matter there has been considerable agitation in this province, but there is a large section of the public who still look to the Government to come to a decision as regards the actual state of affairs at Chittagong on the occasion. Allegations of the gravest nature have been made in public by men of great eminence. Just immediately after the incidents an attempt was made to give quite a different colour to the whole thing. There are some people who believe that the local officers were involved in connection with the incidents there. The action of His Excellency Sir Stanley Jackson in appointing a committee was much appreciated, though a departmental committee did not come up to the expectations of the public who demanded an independent committee to examine the local situation. The committee has submitted a report and on the basis of assurance given by His Excellency and other higher authorities, it is just and fair to expect that Government would come forward with an authoritative version of the occurrence. In the interests of their own officers, in the interests of good feeling and in the interests of good Government, some authoritative version of the occurrence should be published. The decision of the Government to withhold this will be misunderstood and misconstrued. Government, in their own interests, should publish this document with their own findings on the subject. I know that the public is not prepared to accept the resolution of the Government as final on the subject. The Government has published a resolution on the Hijli inquiry. I think that that is not going to be the last word on the subject. If you want to carry on the Government in consultation and in co-operation with the public, if you are going to follow a consistent policy, if you do not want to go back 50 years in the administration of the country, I suggest that Government will be pleased to reconsider the matter and publish the report.

Rai Bahadur KAMINI KUMAR DAS: Sir, you have been kind enough to grant us leave to move a motion for the adjournment of the House to discuss the situation arising out of the fact that the Government has not seen it fit to publish the report on the Chittagong matter.

You have been further pleased to make it quite clear that the motion is to be of a specific nature, *viz.*, the situation arising out of the fact that Government has not thought it fit to publish the Chittagong report. The adjournment motion has its origin in the answer given by

the Hon'ble Member-in-charge to the question of Mr. Basu, in which the Hon'ble Member-in-charge was asked to be pleased to lay on the table a copy of the report——

Mr. PRESIDENT: I do not think that you can say that.

Rai Bahadur KAMINI KUMAR DAS: Very well, Sir, I will not say that. As an inhabitant of Chittagong and as an eye-witness I can make some statement here which I had no opportunity to make before Mr. Sen Gupta's committee, because my friends at Chittagong made him and other members of the committee believe that my statements would be prejudicial. But opportunity was given to me by Mr. Nelson when he held his inquiry and I was then able to say what happened which took my friends by surprise and they did not put a single question to me by way of cross-examination as I did not conceal anything.

In view of the adjournment motion of Mr. Basu, which you have been pleased to allow, I think you will like to have a first-hand report from one who was present at Chittagong at the time of the occurrence and afterwards.

Sir, I can tell you all the incidents of August, 1931, and I can give you a positive statement as I was there. Inspector Ashanulla was murdered on the evening previous at about 5-30 p.m. I was not present at the time when there was a looting at the Panchjanya Press. I went to court next morning and while going towards the station I found that indiscriminate assault and looting by hooligans were going on at that time. I sent a telephonic message to the District Magistrate, Mr. Kemm, and the Superintendent of Police, Mr. Johnson. The latter met me and some other friends and said that as the situation was brought under control, we could go. As we did not dare to proceed further, he gave us some constables who took us to the post office. From the post office we could not go further, because indiscriminate assaults and looting were still going on. Then police help was given to us, and while we were proceeding towards our homes, we found that some shops including the shop of Debendra were burning. From my house I could see the looting which went on from 11 a.m. to 2-30 p.m. We found that the looters were passing by our houses with all sorts of articles in their hands and that they were not in the least obstructed by anybody. The policemen were there, but they did not do anything. (Cries of "Shame".) These are facts to which I can testify as an eye-witness.

Then, Sir, Mr. Nelson came to the station, and I have reason to believe that Mr. Kemm, the District Magistrate, took all possible steps in the matter. On the next morning I was asked by my citizens

to go and see Mr. Nelson, which I did. He was pleased to go round with me to see the houses that were looted. After that Mr. Kemm held an inquiry about this and that. After that there was a municipal meeting in which they could not carry a resolution to pass a vote of censure on local authority as we suggested to hold an inquiry. There was the report of Mr. Sen Gupta's inquiry committee, but about that report it may be said that it was based on hearsay evidence. My positive statement, however, is to the effect that I saw the looting which went on from 11 a.m. to 2-30 p.m. Although there were police officers and additional policemen, they did not take any steps to bring the situation under control. These are facts of which there cannot be any denial and the rest I shall state if asked to do so.

This much I can say regarding the publication of the report: Mr. Nelson held an inquiry with Mr. Craig, Inspector-General of Police, before whom we were examined, and our statements were recorded in writing. But I fail to understand why that report has not been published. You may say, Sir, that it has not been done on account of public interest; as to that I have nothing to say. As a loyal citizen and as an adviser and councillor, I have a right to say that this policy is impolitic and that it is not farsighted.

4-30 p.m.

The statement of Mr. Prentice and also other statements of the Government are challenged by Mr. Sen Gupta who has described the Magistrate supporting the *goondas*. As to that, these are facts which are now before the House, and after that, if the report be not published, as has been observed by my friend, the inference will be yours. I, therefore, beseech you that there cannot be any reason why the report should not be published. I can say that the publication of the report will not do you any injury because the people have already formed an opinion, and I do say, Sir, the publication of the report, if it be true reports, cannot do you any harm, because I am in a position to say that in that station the Government officer, Mr. Kemm, the Magistrate, is not so much to blame, and that was the opinion of the municipal commissioners, both non-official and nominated. But, Sir, there will be something to say against the police, and I hope and trust you will believe me when I say that there can be no justification for not bringing the situation under control within four or five hours. That is the point for consideration. I have made my statement, and am willing to make more statements, but so far as this motion is concerned, I do hope and trust that Government will see their way to publish the report, because without publication the people will make an inference of their own, and there cannot be any way out of it. Therefore, I think it is my duty to say that the publication of this report will satisfy the public. This is all I can say, but

at the same time I must submit that hon'ble members like Mr. Bannerjee have said that the situation in the country is peculiar and absolutely dangerous, and we believe there is terrorism in the country, and this is due to instances like this on the part of Government. I think it my duty as an humble adviser of Government and as a member of this Council to request Government to publish the report.

Sir LANCELOT TRAVERS: Mr. President, I know nothing of this report. I know nothing of the reasons which have led Government not to publish it, why it should not be published or why it should be. But, Sir, during the course of this debate the mover of the adjournment motion made certain charges against members of my community, the British non-official community in Chittagong. As the Leader of the British non-official party in this House, I should like with your permission to say a few words on that point. Now I say that to get a proper understanding of what happened in Chittagong last year, it is not sufficient to think only of the unhappy occurrences of August, the 30th. Mr. Hashemy in his speech has referred to what happened on Good Friday in March last. On that Friday, there issued forth three parties, one of them from the Congress headquarters, which went to the club at Chittagong with the direct object of murdering every European and every official in Chittagong. Friday is the usual day of the week on which the British community in Chittagong meets at the club. But, by Heaven's good fortune, that Friday was Good Friday and the meeting did not take place. Therefore the British non-official community of Chittagong were saved from murder, but the party of rebels succeeded in murdering seven others at that time. There succeeded months in Chittagong during which no Britisher in that town felt his life safe. Almost every Britisher in the station received letters saying that he was going to be murdered. Bombs and pistols were dug up here and there; there were several attempts at further rebellion. Finally, this sequence of events finished in the unhappy murder of that most respected official Khan Bahadur Ashanullah. Now, Sir, it has been said by Mr. Basu that certain non-official Britishers were concerned with the outrages that took place at Chittagong. If that were so—I do not know whether it is true or not—I say that every member of my community regrets it. We must express our most sincere sympathy with any innocent or guiltless people who suffered from the actions of any member of my community. But I would say to this House and through this House to the people of Bengal; is it surprising that young men under the conditions which existed at Chittagong last year broke out in this way? I say that they were hurried throughout the whole of the year, that their nerves were reduced to such a state that it was not at all surprising that there was an outbreak with results which we all deplore. They were during the whole of that year practically besieged. Then

with reference to what Mr. Basu said from Mr. Sen Gupta's statement, Mr. Sen Gupta blamed the whole of the non-official British community for anything that took place. Sir, when the rebellion took place at Chittagong, my community were not such fools as to blame the whole Hindu population of Bengal for the action of a small section of that community. It would indeed be foolish and stupid to have said that, and I appeal for the same consideration for our community. But I do say this, that I trust that there will be no repetition of the circumstances which led to the occurrences as well as no repetition of the unfortunate occurrences themselves. I say, Sir, that while my community are striving our utmost to hand over the Government of this country peacefully and successfully to Indians, we are absolutely and adamantly determined that we will *not* be driven from this country by the pistol or by the bomb.

Mr. J. N. GUPTA: I had the honour to spend the best part of my life in the service of the State, and I feel it my duty to observe that I find it difficult to understand the reasons that could have induced the Government to decide not to publish this report. It strikes me that in no circumstances can this be in the interests of the public service itself. I can quite imagine that under exceptional circumstances of excitement, young officers may perhaps not take the right step at the right moment, but I cannot conceive of any circumstances when a member of the great Service to which I had the honour to belong, will so far forget his public duty and the position which he occupies as to lend himself to action which has been attributed to the District Magistrate of Chittagong. In fairness to that District Magistrate and to the service to which he belongs, I think this matter should be thrashed out. It is no kindness to him to let the people believe that had this report been published his reputation and career would have suffered. I do not believe that. I think the matter has been discussed very ably by previous speakers, and I, therefore, will not take up the time of the House in referring to it further. But one thing is certain, that if the willing co-operation of the people is wanted, as I am sure His Excellency the Governor and His Excellency the Viceroy want, and not only the co-operation of men who seek Government favour, it is necessary to put the public in a position that they will be able to discharge that important duty with some sense of self-respect and responsibility. In all these circumstances I would earnestly request the Home Member to reconsider the decision of the Government and to publish the report. I am sure the public will make every allowance for the difficult position of district and, other executive officers in the trying times, through which the country is passing and some of the difficulties which my friend Sir Travers has alluded to. But it is no use taking shelter by keeping in the dark; this will not serve any useful purpose. I know all Government documents are not always

published, but that is not fair in a case of this nature. You expressly promised that you would have an inquiry made in the matter; after that inquiry is made, you refuse to publish the report in the interests of the public. I cannot imagine such an attitude. I was not familiar with such an attitude in the days when I had the honour of serving the Government. I do not want to say that there is a change in the mentality of the Government at present, but I would earnestly once more request the Hon'ble Mr. Prentice to consider whether in the interests of the public service itself he will not see his way to publish the report, and then give any explanation he likes about the shortcomings of the Government servants—if at all required to do so.

4-45 p.m.

Maulvi ABUL KASEM: The question before the House, Sir, is a very simple one.

Chittagong, Sir, has of late acquired an unenviable reputation. Chittagong at any rate, I hope both sections of the House will agree with me, has been the centre of public attention, and I may say, the centre of attraction for anarchists and revolutionaries. Recently facts have come out which show that, in spite of all the action taken by Government, seeds of revolution and the machinery and the organisation are still there, and I am afraid, no one can deny this. So far as it goes, we will be prepared to support Government in any measures that they may adopt for the eradication of these evils and for the suppression of lawlessness in that district. But on the plea that there are revolutionaries and there are secret societies in Chittagong, and simply on that plea to withhold the publication of a report made by two high officials of Government is absurd on the face of it. There is no justification for not publishing the report of a committee appointed in accordance with a public demand for an inquiry into the events of Chittagong. By withholding the publication, sheer injustice is done to a large number of public servants, as has been mentioned by my friend Mr. Gupta. A great injustice has been done to Mr. Kemm, the District Magistrate of Chittagong. By keeping that report secret, you allow the agitators and the scandal-mongers and others to circulate any news they like, and any report they choose to make and it has been said and I heard it said in this House by a member of this House that if that report is published, Mr. Kemm, the District Magistrate of Chittagong, would have to be prosecuted and sent to jail. I happen to know Mr. Kemm very well. I cannot believe, even if I see it with my own eyes, that Mr. Kemm can be guilty of any act of oppression or torture or lawlessness if he can avoid it. Whatever that may be, I think it is due to Mr. Kemm that the Government should publish the full report, so far as he is concerned, which has been submitted by

Mr. Nelson. Secondly I have got a particular reason to speak in this matter. By not publishing the report, Government have allowed the report of the non-official committee of inquiry to which I personally attach very little importance to attract public notice. That report is before the public and that report gets the currency as the only report before the public, because there is no other report coming forward to contradict it. My grievance is that it has been said either openly or rather in whispers that members of my community who are more or less styled as *goondas* and ruffians, were led by officials and non-official Europeans to commit the loot in the city of Chittagong. I say, Sir, that the Mussalmans have never been fools. Whenever they want to do a thing, they will do it on their own account and not at the instance of another, however high that person may be. What I have found is, to my sorrow and regret, that whenever there has been any riot where the Muhammadans have been the aggressors and when an attempt has been made to explain their case, the vocal section of the population have raised the cry that the Government is guilty of communal differences. If, however, the Muhammadans happen to be oppressed, in that case an attempt is made to show that there is nothing serious done. In support of my statement, I may refer to the incidents at Chittagong and also to what happened in Calcutta in 1926. We, the people of this country, are the subjects of His Majesty. We have a right to demand in every case of rioting and of communal rioting that the Government owes it to the people to hold a thorough inquiry into the riot and to publish the report apportioning the blame to whomsoever is guilty and not leave the public at large or people interested to circulate rumours to the discredit of the established Government. I, therefore, hope that this House will, by an overwhelming majority, record its opinion in favour of the publication of the report and disapprove of the conduct of the Government in not publishing the report.

The Hon'ble Mr. W. D. R. PRENTICE: I was curious to discover what the mover of the resolution had to say about the situation arising out of the non-publication of the report on the Chittagong incident. I could only gather from him that there is a general distrust in regard to the conduct of Government officers, and a suspicion that whatever was stated in the non-official report of inquiry is correct. I do not propose to go into the Chittagong incidents to-day. I will only state this, that Government have come to the conclusion that this particular report cannot be published. They have come to this conclusion—it is not I, but the Local Government, as constituted under the Government of India Act, that is to say, the Government of His Excellency the Governor with the Executive Members on the one side and the Ministers on the other,—they have come to this conclusion. I would ask Mr. Gupta to recognise that whatever may be the reason for not publishing the report, it need not necessarily be

discreditable to Government or any of its officials. It may be, as Mr. Gupta well knows, that people submitting reports to Government do not write them with a mind to their being ultimately published. They write them to give the Government a full and frank description of the matter under discussion and when submitting their reports, they make their comments in a frank manner. I will ask all those who criticise Government for not publishing the report to remember the circumstances under which this report was written, and also to believe that Government's decision not to publish this report does not mean that Government has burked the situation which occurred at Chittagong. The position is that the situation is still under the consideration of Government, and at present we are not in a position to state what our decision will be. We recognise the widespread demand for information and we are prepared in due course to make the public acquainted with our conclusions.

As regards the specific incidents, specific questions have already been submitted by members of the Council, and answers to these are under consideration. During the budget debate, I am sure many of these questions will come up in the shape of motions and on that occasion we propose to deal with them specifically, as, by that time, it is hoped we shall be in a position to state our conclusions. What I undertake to do now is to assure the Council that at a later date our conclusions will be communicated to them.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, at the very outset I may say that I do not know the reasons which have led Government to withhold this report; I do not know what that report contains; but I am perfectly willing to recognise that in an official report there may be reasons which may justify Government in withholding it. Whether there are such reasons in this particular report I do not know, and I do not wish to make any suggestion in this connection. The reason, Sir, why I have stood up to speak is not in regard to that point so much as to speak on the incidents and because of some remarks which have been made by the mover of the resolution and the member who followed him; I mean the charge of conspiracy which has been alleged and in which it is implied that the Muhammadans were led by the police and the officials and perhaps by non-official Europeans to commit the loot and other mischievous acts which they are supposed to have done.

Mr. NARENDRA KUMAR BASU: I never said that.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Well, that was my impression, Sir. Reference has been made to the report of Mr. Sen Gupta regarding which I may say that any judge who may read

that report, will at once say that it was a judgment written by an advocate and not by a judge.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. Is the member relevant to refer to that report? That report is not before us.

Mr. PRESIDENT: A reference was previously made to that report in the course of the debate.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Mr. J. M. Sen Gupta and his party's report is a judgment written by a lawyer who had gone to defend a case and the evidence seems to have been taken as far as I can judge not for the purpose of arriving at a conclusion but to support the conclusion that had been arrived at already. Sir, my excuse for speaking on this particular occasion is that not only I have personal knowledge of the many incidents relating to Chittagong in my official capacity but also because soon after the inquiry was held by Mr. Sen Gupta, I and some of my colleagues in this House happened to be there and we made direct inquiries from many of the Moslem leaders. (Mr. N. K. BASU: This will then make a third report). The conclusions that we arrived at were quite different from those arrived at by Mr. Sen Gupta. Sir, I repudiate very strongly the statement that the police officers and the District Magistrate actually incited the Moslems to commit these outrages. It was no use, Sir, denying that this incident was a communal one,—not communal in the sense that the leaders of the Moslem community incited the Moslems to commit it, but because it was a spontaneous act by the mob, a certain class of Mussalmans among whom the late Khan Bahadur Ahsanullah was very popular. The late Khan Bahadur had served Government for about 25 years, 23 years of which were spent in Chittagong. Naturally, therefore, he had many friends among the people of that locality.

5 p.m.

I have heard it from his son-in-law himself, who was present all along, that not only the District Superintendent of Police did not incite the Muhammadans but actually went round and begged the leaders and took the son-in-law of late Ahsanullah with him to beg the leaders to stop the Muhammadans from committing any mischief.

My friend Rai Bahadur Kamini Kumar Das has also told us that whenever he sent any information or made any report to the Collector or to the police officers they at once came or sent the police to help.

In connection with this incident it must be remembered that the condition of the Chittagong officials before the occurrences at Chittagong was very unpleasant.

Mr. NARENDRA KUMAR BASU: Is it relevant to the subject of the Chittagong report?

Khan Bahadur MUHAMMAD ABDUL MOMIN: I submit that a reference has been made to these incidents and I am following the other speakers. It must be also remembered that for the last two years these officials have been working under the greatest strain. Day after day and night after night the police officers were harassed by the people in various ways. I am not justifying in any way any excesses which the police underlings might have committed, but I think I owe it as a duty to myself and to the police officers themselves and to the public generally to say that I can testify to the selfless work that these officers did at Chittagong during the disturbances. I knew Mr. Johnson personally, being connected with him officially, and I cannot imagine an officer with greater balance and more hard-working and loyal to his duties than he proved himself to be during the disturbances, and the same must be said of all officials, whether Indian or European. I say it is very discourteous for members of this Council without knowing facts to ascribe motives——

Mr. B. C. CHATTERJEE: But we want to know the facts.

Khan Bahadur MUHAMMAD ABDUL MOMIN: And blame the officials who are absolutely blameless.

As regards the disturbances I have already said that although they were not communal in the sense that the leaders of the Mussalmans were inciting somebody, yet they were certainly communal in the same sense as the Cawnpore and Benares disturbances were communal.

Mr. PRESIDENT: You need not refer to those incidents.

Mr. SHANTI SHEKHARESWAR RAY: Are we discussing the report that has not been published?

Khan Bahadur MUHAMMAD ABDUL MOMIN: As I have already said, I have nothing to say about the non-publication of the report except the fact that we must recognise that Government may have very good reasons for not publishing it. It may be that the report may contain remarks which may lead to communal riots or to any fresh disturbance; and it may not be politic for various other reasons

that report, will at once say that it was a judgment written by an advocate and not by a judge.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. Is the member relevant to refer to that report? That report is not before us.

Mr. PRESIDENT: A reference was previously made to that report in the course of the debate.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Mr. J. M. Sen Gupta and his party's report is a judgment written by a lawyer who had gone to defend a case and the evidence seems to have been taken as far as I can judge not for the purpose of arriving at a conclusion but to support the conclusion that had been arrived at already. Sir, my excuse for speaking on this particular occasion is that not only I have personal knowledge of the many incidents relating to Chittagong in my official capacity but also because soon after the inquiry was held by Mr. Sen Gupta, I and some of my colleagues in this House happened to be there and we made direct inquiries from many of the Moslem leaders. (Mr. N. K. BASU: This will then make a third report). The conclusions that we arrived at were quite different from those arrived at by Mr. Sen Gupta. Sir, I repudiate very strongly the statement that the police officers and the District Magistrate actually incited the Moslems to commit these outrages. It was no use, Sir, denying that this incident was a communal one,—not communal in the sense that the leaders of the Moslem community incited the Moslems to commit it, but because it was a spontaneous act by the mob, a certain class of Mussalmans among whom the late Khan Bahadur Ahsanullah was very popular. The late Khan Bahadur had served Government for about 25 years, 23 years of which were spent in Chittagong. Naturally, therefore, he had many friends among the people of that locality.

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My friend Rai Bahadur Kamini Kumar Das has also told us that whenever he sent any information or made any report to the Collector or to the police officers they at once came or sent the police to help.

In this connection I must make it clear that it is not the Hon'ble Mr. Prentice alone against whom we are speaking; we are blaming the whole of the reserved side of Government. The Hon'ble Sir B. B. Ghose, the Hon'ble Sir Abdelkerim Ghuznavi and the Hon'ble Mr. Marr share the responsibility equally with the Hon'ble Mr. Prentice, and I only wish that the Hon'ble Sir Bepin Behari Ghose and the Hon'ble Sir Abdelkerim Ghuznavi would tender their resignation before going home. They can well afford to do it. I do not see any reason or any excuse for these two Bengali gentlemen to stick to office after what the Government with which they are associated has done. Who has ever heard of such a thing? Government appoints two of its officers to take evidence and submit a report, and then does not publish that report! (A VOICE: What about Kulkati?) Well, that was a confidential inquiry only, but this was not; this inquiry was made by a committee appointed by Government; it is quite different, and it hurts me as an Indian to see that any Indian should support the non-publication of the report.

As regards the Hon'ble Mr. Marr, he is very nearly retiring and he may retire now to absolve himself from blame. As regards the Hon'ble Mr. Prentice, he gets a quarter of the blame, but I do appeal to him, if he cares for his reputation, not to maintain this attitude, this out-of-date imperialistic attitude, that whatever he and his caste think right they must get done, irrespective of public opinion, and that we must always support them. The Hon'ble Members on the reserved side must remember that they belong to a doomed institution, and that they have been vouchsafed their hour of grace only to prepare Bengal for the coming transformation, and not to resist it, as they are doing. This attitude on the part of Government, this anxiety to sit tight over the report, could have been understood before 1914, but not after the War since when England has definitely abandoned imperialism, and addressed herself to the task of practising that Christianity which she had so long professed.

Maulvi SYED JALALUDDIN HASHEMY: I move that the question be now put.

Sir LANCELOT TRAVERS: Before you rule on this closure motion, may I ask the Hon'ble Mr. Prentice a question? Is it a fact that Government intend to publish a gist of the report without publishing the actual report itself?

The Hon'ble Mr. W. D. R. PRENTICE: All I am authorised to say is that at present the decision of Government is not to publish it. If, however, it is subsequently decided to publish any of it, I cannot say what form it will take.

The motion that the question be now put was then put and agreed to.

The motion of Mr. Narendra Kumar Basu was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Banherjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Burai, Babu Gokul Chand.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mahan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Allmuzzaman.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Seth Hunuman Prosad.
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Ray, Babu Haribansa.
Ray, Babu Satyendra Nath.
Ray, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Salauddin, Mr. Khwaja.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sircar, Dr. Sir Nilratan.

NOES.

Austin, Mr. J. M.
Bakah, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bartley, Mr. C
Bazir Uddin, Khan Sahib Maulvi Mohammed.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Sunil Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. H.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharrul, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Mason, Mr. G. A.
McCluskie, Mr. E. T.
Miller, Mr. C. G.
Momin, Khan Bahadur Muhammad Abdul.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. S. F. H. Abdur-
Ray, Babu Amulyadhan.

Ayes. —Hon'ble Sir Bijay Prasad Singh.	Sumner, Mr. C. R.
Mawlvi Muhammad.	Travers, Sir Lancelot.
Sarkar, Sir Jadunath.	Wilkinson, Mr. H. R.
Sarkar, Rai Sahib Nebati Mohan.	Wordsworth, Mr. W. C.

The Ayes being 42 and the Noes 58, the motion that the business of the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, *viz.*, the situation arising out of the fact that Government has not thought fit to publish the report on the Chittagong matter, was lost.

Adjournment.

The Council was then adjourned till 2-30 p.m., on the 4th February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 4th February, 1932, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 107 nominated and elected members.

Starred Questions

(to which oral answers were given).

Drainage scheme in the Rajshahi College hostel.

*20. **Babu KISHORI MOHAN CHAUDHURI:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) what progress, if any, has been made with the scheme for the construction of a drainage for the Rajshahi College hostel; and

(*ii*) when the said scheme is likely to be taken up?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) and (*ii*) A scheme was prepared, but its consideration has been deferred until financial conditions improve.

Babu KISHORI MOHAN CHAUDHURI: Will the Hon'ble Minister be pleased to state if there is any chance of this being taken up at an early date as it concerns the health of a large number of students?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I am afraid, there is no chance of this being taken up early. But I may tell the House that even the municipal drainage scheme, which is much more urgent, is not likely to be taken up at an early date.

Letter from the Secretary, Press Employees' Association, Calcutta.

*21. **Mr. K. C. RAY CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state

whether the Government have received a letter from the Secretary, Press Employees' Association, Calcutta, dated the 11th December, 1931?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the said letter?

(*c*) Will the Hon'ble Minister be pleased to state what action, if any, has been or is intended to be taken in the matter?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) No such letter can be traced in my departments.

(*b*) and (*c*) Do not arise.

Closing of court business for "Asar" prayers.

*22. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government have given effect to the resolution which was carried in the Council on the 31st July, 1931, regarding the closing of court business for *Asar* prayers during the short days in certain months of the year?

(*b*) If no effect has been given as yet, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) It has been decided to issue a circular to Revenue and Criminal Courts regarding the facilities to be granted for *Asar* prayer to Muhammadan litigants, witnesses and legal practitioners when courts sit after 5 p.m. between October and February and to address the High Court on the subject of issuing similar instructions to Civil Courts.

(*b*) Does not arise.

Allotment of holidays.

*23. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state how the holidays under the Negotiable Instruments Act and announced by Executive order are allotted in respect of the religious festivals of the Hindus, Muslims and Christians, respectively, and also in respect of State functions?

(*b*) Are the Government aware of a general feeling among the Muslim community that the allotment is not fair to their community?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government are taking to meet this view-point?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The holidays under the Negotiable Instruments Act and announced by Executive orders are now distributed as follows:—

	Act.	Executive.
State ...	4	nil.
Christian ...	6	4
Hindu ...	14	9
Muslim ...	6	nil.
	30	13

(*b*) Yes.

(*c*) The matter is under consideration.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*c*) is it possible for the Hon'ble Member to give the House an idea as to the time within which a decision can be expected?

The Hon'ble Mr. A. MARR: I am afraid I cannot give any idea of the time.

Unstarred Questions

(answers to which were laid on the table).

Chain Survey operation in Rangpur.

22. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the Government have received any representation urging postponement of the Chain Survey operation in Rangpur till the present harvest is over?

(*b*) If the answer to (*a*) is in the affirmative, what is the decision of the Government on the said representation?

(*c*) Will the settlement work be continued for full three years?

(*d*) Will the realisation of the cost of settlement be deferred until normal time comes?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*) Yes.

(*b*) Government decided that there was no reason to postpone the work till after the harvesting of the paddy crop. The survey was done by air photography and very little chaining was therefore necessary.

(*c*) It is expected that the field work and attestation will continue until 1936-37 and that the operations will be completed in 1938.

(*d*) This will be decided when the time for recovery comes. Recovery of A Block is not due to begin until the year 1934-35.

Kazi EMDADUL HOQUE: With regard to answer (*b*) will the Hon'ble Member be pleased to state, whether the survey by air photography would bring about the desired results and whether it is a fact that this survey might have been made by chain operations?

The Hon'ble Sir B. B. GHOSE: With regard only to the portion covered by trees it was not quite satisfactory.

Number of revenue-free estates.

23. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Will the Hon'ble Member in charge of the Revenue Department be pleased to state the number of revenue-free estates existing at present in Bengal, that are covered by *taidads*?

The Hon'ble Sir B. B. GHOSE: Government regret that it is probably impossible to obtain the information asked for; in any case the matter would require prolonged investigation, which Government are not prepared to undertake.

Grant to union boards for anti-malarial purposes.

24. Babu SUK LAL NAG: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is in the contemplation of the Government to allow union boards to spend the sum granted to them for anti-malarial purposes for drainage and for removing water-hyacinth in addition to the purposes already sanctioned?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: No grants are at present made by Government direct to union boards for "anti-malarial purposes." It would be competent for union boards to spend grants made by the district board under section 46 of the Bengal Village

Self-Government Act, 1919 (Bengal Act V of 1919), or allotments from the augmentation grant in a district in which these are made to union boards direct on drainage and the removal of water-hyacinth so far as particular works of this nature fall under Chapter IV of the Act with special reference to sections 26, 27 and 31.

Resolutions

(on matters of general public interest).

[The discussion on resolution regarding release of persons detained under the Bengal Criminal Law Amendment Act was then resumed.]

Mr. SHANTI SHEKHARESWAR RAY: Sir, at the outset let me assure the Hon'ble Mr. Prentice that I certainly do not welcome the prospect of an invasion of my zenana by the persons whom he has arrested as the instigators of the dastardly outrage committed at Comilla. But is he quite sure that he has got the right persons? If so, the obvious course for him is to place these persons before a court of justice and let law take its own course. If he fails to do this, the very failure carries its own condemnation. His Department failed to prevent the tragedy. His Department fails to help in dealing out adequate punishment to the guilty. I submit there is something wrong somewhere with such a department. Is it then a matter of surprise that the activities of his Department are looked upon with suspicion? Are we not entitled to accept his conclusions with caution? Let me go back to the detenus. Some of the speakers here have dubbed them as criminals; some have called them as desperate men. These insinuations have been made on the floor of the House against men who are not here to defend themselves. To clear up the point, some time ago, I put a question to the Hon'ble Member in charge of the Police Department to state how many of these persons had any previous conviction of an offence involving violence. The Hon'ble Member did not care to give a straight answer to a straight question. His reply was that his men were too busy to collect the information. Sir, I deliberately put the question with a view to test the methods employed by him to come to a decision in each individual case. I believe he will find very few persons among the detenus who have any such previous conviction. On the contrary we know that several persons after an open trial upon an acquittal, in some cases by the Hon'ble High Court, have been rearrested under this Bengal Criminal Amendment Act. I ask in all seriousness, is this fair? But what is the use of arguing with the Hon'ble Member in charge of the Police Department? He has use for the Hon'ble High Court when the High Court accepts a retracted confession as true, he does not trouble himself with the decision of the

Hon'ble High Court when there is an acquittal. He cannot take any notice of the decision of the Hon'ble High Court when a Police officer is held guilty of taking bribe. Sometimes the Hon'ble Mr. Prentice has no use for even the Special Tribunals. He has got the Bengal Criminal Amendment Act—why bother—with such a short-cut to justice at hand. Sir, my friend Maulvi Jalaluddin Hashemy stated that from his personal knowledge he could assert that at least 40 per cent. of the detenus had nothing to do with terrorism. He takes an active part in the stormy politics of Bengal. He can speak with authority on the subject. I am at a disadvantage. I hardly know a single person among the detenus. So far as I have been able to gather from the information available to me, these men do not appear to be very desperate men. So far as I am aware, there has been no attempt anywhere on the part of a detenu to escape from custody. If any detenu has disobeyed any rule, he has done so with a view to assert his self-respect. We do not expect such conduct from criminals or desperate men.

Sir, it is with great distress that I heard the speeches delivered by the members of the European block. Their attitude makes one despair of the success of Parliamentary system of Government which is going to be shortly established. It is a great pity they cannot look at things from our stand-point. Well, Sir, I hope the Government will take a note of the fact that so far as this resolution is concerned it has received practically unanimous support from every Indian member who has spoken on the subject.

Maulvi ABUL KASEM: I spoke but I certainly did not support him.

Mr. SHANTI SHEKHARESWAR RAY: Among Hindu members my friend Rai Bahadur Kamini Kumar Das did not support me, but that too under a misapprehension. Sir, when I ask the Government to release the political prisoners I do not suggest that an amnesty should be granted to them. What I suggest is that they should be released and if there is sufficient evidence against any of them he should be brought to trial and put to jail, if necessary. Another Indian speaker who spoke against me is Maulvi Abul Kasem, for whom I have the greatest regard. But, Sir, I have this consolation that while Maulvi Abul Kasem is against it, his brother is patriotic enough to deserve the notice of the Government of Bengal. I only came to learn this morning that Maulvi Abul Hye, younger brother of Maulvi Abul Kasem, has been hauled up under one of the Ordinances and he has been sent to jail.

Now let me return to my resolution. I have brought this resolution in a spirit of service—service to the Government and service to my country. Sir, during the last few days we have heard a lot about these detenus. I have personal experience how a sane and otherwise sober

young man becomes a terrorist. I can call to memory an incident in my young life that took place some 25 years ago when I was an undergraduate, and when but for the sympathy of a great Irish lady and the kindness of the British head of her institution at Benares, I would have qualified myself for the gallows.

2-45 p.m.

Many of the members may remember that a long time ago Mrs. Annie Besant addressed a famous letter to her countrymen in India on Indian politics. A question was put to me from the European benches —how does anarchism thrive in India? In that letter you will find the answer. Well, my friend Maulvi Syed Jalaluddin Hashemy has accused me of being of moderate mentality. In my time I was accused of being of Government mentality when years ago I was appointed an honorary magistrate at Puri. A change from Government mentality to moderate mentality is a promotion. But, Sir, I submit that my moderate mentality and my antecedents induce me to think that when I place the suggestion before the House it is entitled to serious consideration by Government. Sir, I may tell you that this policy of provocation must stop. I may tell you that I found my 18-year old boy coming home with a red and flushed face after seeing the procession of the dead body of Santosh Kumar Mitra. I am afraid that is not only my experience, but that is the experience of every man with family in his home. So it should be our business to see how somehow or other this condition of things should stop. In all humility and with a full sense of responsibility I have made a suggestion and I am sure it will be accepted sooner or later, sooner the better.

Maulvi ABUL KASEM: Sir, on a point of personal explanation. It is certainly true that one of my younger brothers is at present detained under the Ordinance. I may explain that he is there not because the police or the executive want him to be there but because he was himself very keen and anxious to be there to play——

Mr. PRESIDENT: Order, order.

The following motion was then put and lost:—

"This Council recommends to the Government to release all persons detained without trial under the Bengal Criminal Law Amendment Act, 1930."

The following motion was called but not moved and therefore deemed to be withdrawn:—

Rai Bahadur KAMINI KUMAR DAS: "This Council recommends to the Government that an inquiry be made into the working and

administration of the Badar Khali Colonization, Cox's Bazar, in the district of Chittagong, by a committee consisting of the Hon'ble Minister-in-charge, the Registrar of the Co-operative Societies and five other members of this Council with special reference to its present administration and conduct of business there."

Veterinary studies.

Mr. SARAT KUMAR ROY: I beg to move that this Council recommends to the Government that early steps be taken to make provision for adequate veterinary aid in Bengal and to introduce in the syllabus of studies in the Bengal Veterinary College instructions in rearing and breeding horned cattle and poultry in addition to the instructions in the treatment of their diseases.

Sir, the Royal Commission on Agriculture in India has opined that the provision of veterinary aid in India is at present totally inadequate (*vide* page 30, Abridged Report) and also that, "there are no Veterinary Surgeons in private practice in India, in the rural areas. The result is total inadequacy of the existing arrangements for controlling contagious diseases and attending to animals suffering from ordinary ailments and injuries." The Royal Commission hence recommended "the establishment in each district of a central veterinary hospital having accommodation for in-patients with a number of dispensaries serving subdivisions of the districts." But unfortunately very little has since been done to obviate this inadequacy of veterinary aid, not to speak of meeting the further recommendation of the Royal Commission, i.e., "to meet the obvious shortcomings of the single dispensary serving a large tract of country, we recommend that the staff attached to dispensaries should be increased and men sent out to tour in the surrounding districts." The Commission therefore recommended: "the first necessity is a very substantial increase of veterinary officers of all grades. The aim should be to provide at least one Veterinary Assistant Surgeon for every 25,000 cattle and one qualified Veterinary Surgeon for each district, who would have on an average about 600,000 cattle, in addition to other live-stock in the area under his charge." On this basis, the number of the Veterinary Assistant Surgeons only, would roughly be increased four-fold. Sir, in consideration of all these, I ask the House to recommend to the Government that steps be taken, as soon as possible, to make necessary provisions for adequate veterinary aid in Bengal.

Sir, the Commission further remarks (page 20, Abridged Report) that "large numbers of diminutive cattle are a serious drain on a country in which the fodder supply is so scarce in certain seasons of the year as it is in India." "The process having gone so far, India

having acquired so large a cattle population and the size of the animals in many tracts having fallen so low, the task of reversing the process of deterioration and of improving the live-stock of this country is now a gigantic one; but on improvement in its cattle depends, to a degree that is little understood, the prosperity of its agriculture and the task must be faced." "The two important factors in cattle improvement are feeding and breeding." But who are to guide the people in these sciences? The shortest cut to arrive at a solution of this huge problem, it appears to me to be, to introduce in the syllabus of studies of the Bengal Veterinary College, instructions in the rearing and breeding of horned cattle, in addition to the instructions in the treatment of their diseases; for, in the event of the recommendations of the Royal Commission to increase the veterinary staff fourfold, as I pointed out in the first part of my resolution, being carried out, this gigantic task of the improvement of horned cattle may be satisfactorily faced. No doubt there are I. D. D. examinations which are annually turning out students competent to deal with these matters. But their paucity is even greater than those of the Veterinary Assistant Surgeons and also perhaps they are more expensive, inasmuch as two separate individuals—one for breeding and rearing and another for treating the cattle in their diseases, etc., are required to be maintained in place of one. So if the Veterinary Assistant Surgeon be also a cattle-breeder and thus serve the dual purposes necessary, expenses will necessarily be greatly minimised.

Sir, the Royal Commission considered it the duty of the Provincial Colleges to provide instructions in dairying for their own students. Had this recommendation been followed, it would certainly have helped a great deal in this way. But alas! the question of funds always, as in this case, stands in the way. And even though at least one college in Bengal, I mean the Rajshahi College, was supplied with funds for this purpose, by my brother late Kumar B. K. Ray of Dighapatiya, I regret to say, the Government could not see its way yet to accept that endowment. Sir, I brought a "cut" motion in this Council year before last for this purpose, but though hopes were held out, nothing has so long materialized. Sir, the best and most economical course, therefore, will be, as I am now suggesting, to impart instructions in rearing and breeding of horned cattle along with the instructions in the treatment of their diseases, in the Bengal Veterinary College. I had a talk with Mr. Macgregor, the Principal of the Veterinary College, about this and he too admitted the force of my arguments. And as now with the advent of motor vehicles the necessity for horses has dwindled down practically to zero, the necessity for imparting instructions in equine surgery and medicine has, also in consequence, been greatly reduced. Hence there is now ample opportunity for the College to turn its attention towards adopting in its curriculum this branch of studies along with that of treatment of the diseases of the horned cattle. And I

claim, Sir, that this can be accomplished with only slight modifications of the existing arrangements for imparting instructions in the College, and so with but small additional expenses. I accordingly addressed a letter to the Government, Department of Agriculture and Industries, to this effect on April 7, 1931, and received the following reply on August 7th. (I do not think that I should take up the time of the Council by reading it.) I am not aware if the question has since been favourably considered as I have had no further communication regarding it from the Government. If the Imperial Council of Agricultural Research be still deliberating over the question, would not their deliberations be helped if we, from Bengal, demand for these very necessary modifications in the curriculum of studies of the Veterinary College? And surely, the College being under the Government of Bengal, it has every right to demand what is beneficial for its people.

Sir, my next suggestion is, to introduce in the syllabus of studies of the College instructions in rearing, breeding, and treatment in diseases of poultry. Sir, this branch of animal husbandry is drawing increased attention of the world and also of India, and some of the local Governments, such as the United Provinces Government, have appointed expert advisers for poultry. Even our Government, Department of Agriculture, have got a poultry branch attached to the Dacca Agricultural Farm. But no attempt is being made to encourage, guide and develop poultry-rearing and breeding among the agriculturists, who may thus be greatly profited by it. If the Veterinary Assistant Surgeons are trained in these subjects they can be of great help in this direction also, to the agriculturists. The College already has started a poultry branch as the communication of the Government points out, so it would only be a few steps ahead if now instructions in this branch be included in the syllabus of its studies, not "as a temporary expedient" but as an organised measure.

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): Sir, the resolution divides itself into two parts. In the first place, it recommends that provision should be made for adequate veterinary aid in Bengal.

With regard to this question, as pointed out by the mover, the Royal Commission on Agriculture dealt with the question and outlined a scheme which provides *inter alia* for one Veterinary Assistant Surgeon for every 25,000 cattle and a Surgeon of the provincial grade for every civil district.

This scheme has generally been accepted by Government as desirable, but want of funds stands in the way of putting it into operation at present.

As a preliminary measure, however, Government have undertaken to supply, in connection with outbreaks of contagious diseases, sera up to the value of Rs. 70,000 and to conduct inoculation against rinderpest in selected areas.

In the next place, the resolution recommends that the curriculum of the Bengal Veterinary College should include instructions in rearing and breeding horned cattle and poultry. The question of framing a suitable curriculum for the training of Veterinary Assistant Surgeons in veterinary colleges in India was recently discussed at an informal meeting of veterinary officers held at Simla and certain principles enunciated. The question of the appointment of a committee of experts to draft a suitable curriculum for all veterinary colleges is now under the consideration of the Government of India in consultation with the Imperial Council of Agricultural Research.

In the meantime, lectures on poultry-keeping have been started in the Bengal Veterinary College.

I trust that in view of this explanation, which will convince my friend that the question raised by him is receiving every attention, he will be prepared to withdraw his resolution. Otherwise I must oppose it.

3 p.m.

Rai Bahadur Dr. HARIDHAN DUTT: Before the member withdraws his motion, may I ask the Hon'ble Minister to tell us if the proposal is a good one, why should there always be the bugbear of want of funds? The Ministers have large departments at the cost of the country, and if they know well that there is no finance for carrying out any scheme, what is the use of maintaining three large offices of Ministers knowing full well that they can do no useful service to the country?

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: That is known to all. Actually these things are going to be discussed in a committee which is to be formed by the Government of India very soon, and I shall send a reminder asking the Government of India to expedite the matter.

The motion of Mr. Sarat Kumar Roy was then, by leave of the Council, withdrawn.

Communal disorders.

Rai Bahadur SATYENDRA KUMAR DAS: Mr. President, Sir, I beg to move that this Council recommends to the Government to resort to legislation to prevent recurrence of communal disorders in Bengal.

It is far from my mind to raise any communal issue by moving this resolution. At the outset I would like to submit that a Bill under the name of "The Bengal Disorders Compensation Bill, 1931," will be moved by me during the present session. The object of the Bill, briefly speaking, is to put a stop to communal disturbances like those that occurred in Dacca and Kishoreganj and Chittagong and other parts of Bengal, by compelling the parties responsible for the damage to pay compensation to the sufferers. A similar Act is already in operation in the Bombay Presidency. The provisions of the Bombay City Police Act and the Bombay District Police Act sufficiently prove that the legislature in that province saw the wisdom of providing a machinery to give relief to sufferers from communal disturbances by imposing a special tax or rate on classes of persons or communities, who were adjudged to be in the wrong. What I have got to satisfy the House is the urgent necessity for legislation. Any delay in passing an Act for effectively checking the riots will be detrimental to the peace and order of the province. There were three riots at Dacca and its neighbourhood in the course of two years. Whenever there was apprehension of any trouble in the city of Dacca during the past years or false reports were circulated by mischief mongers, the members of the Peace Committee and the District Magistrate had to issue manifestos on each such occasion to allay the prevailing panic. The rumours about riots were not confined to the town only, but sometimes it spread to the distant villages also. There will still be possibilities of future riots, so long as the causes of differences and jealousy between the two communities subsist. In most cases apprehension leads to actual disturbances but the authorities must see that this may not lead to actual riots and the practical way to prevent this is to resort to legislation on the lines indicated in my Bill, copies of which, I hope, the members have received.

The horrors of the situation created by these riots were described times without number, in public platforms as well as in newspapers, but so far as I remember no practical suggestions have yet been offered by anybody to put a stop to the riots in future. The solution of the problem is not very easy, but I hope and trust if a Bill on the above lines is passed into an Act of this legislature, such outbreaks may be prevented.

The remedial measures suggested by me in the Bill are well worthy of consideration by the Government. I had occasions to think a great deal over this question, having myself witnessed the three successive riots at Dacca which is my own place of residence and to consult public men of all shades of opinion almost all of whom have endorsed my views in unequivocal terms. When one community will feel that it has to pay dearly for unlawful acts and outrages committed by the lawless members of that community, a public opinion will be created

which will effectively prevent chances of future outbreaks. What I now propose to emphasise is the immediate necessity of taking legislative action in order to disburden the minds of the peace-loving and law-abiding people from further apprehension of communal riots and of allowing them to pursue peacefully their normal avocations of life without any let or hindrance.

In conclusion, I request the Council with all the emphasis at my command to accept my resolution for early legislation on the subject.

With these words, I beg to commend my motion to the acceptance of the House.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to oppose this motion. The hon'ble member has submitted a Bill; we do not know what will be the fate of his Bill. But in this motion he asks Government to take measures to impose certain additional taxes on certain persons suspected of communal disorders. You already have the Police Act and there is sufficient provision in that Act which empowers the Government to impose punitive police, and we know from our experience that in many cases these powers are abused. I think I am right in saying that as matters stand at present, if the Government need any additional powers they might themselves take the initiative. One of the members of the Civil Service—I mean the officiating Commissioner of Dacca—himself said Government can, with the help of the powers they possess at present, stop these communal disturbances if they are willing to do so. If the Government can themselves take early steps to prevent communal disorders, I do not see any reason for arming them with further powers.

For these reasons I oppose the motion.

Maulvi ABDUS SAMAD: Mr. President, Sir, I have full sympathy with the object which the hon'ble member has in moving the resolution. But, Sir, the riots and disorders of which he complains are mere effects of a cause and unless that cause is removed the effects would continue to occur. Legislation would be of no avail as long as the cause remains. The cause is nothing but the poison of communal electorate which has been injected into the body politic of India. Remove the cause and the effects would automatically disappear.

Sir, the Hindus and Muslims have lived in this country for centuries as brothers and neighbours. No doubt they often quarrelled on grave and sudden provocation as brothers would always quarrel with brothers as long as the world lasts. If they quarrelled to-day they made peace to-morrow. But the peculiar feature of the quarrels and riots which are occurring since the Reformed constitution came into existence is that these riots continue for days and sometimes for months together

and there is an organised attempt made by each community to exterminate the other. The leaders' attempt to stop fighting and restore peace always ends in failure. Such attempt must always fail as long as the pernicious system of communal electorate exists. The reason is obvious. The leaders cannot exercise any control over persons who are at the bottom of communal riots for fear of losing popularity and support at the time of election. Instead of checking, the leaders are often seen to encourage the ring-leaders or at least to connive at their misdeeds with a view to earn cheap notoriety as champions of their respective communities. Such mentality stands the leaders in good stead at the time of election and is bound to continue as long as the system of separate electorate continues. I shudder to think, Sir, of the disastrous consequences that would follow the perpetuation of communal electorate in the future Swaraj Government of India.

Maulvi TAMIZUDDIN KHAN: On a point of order, Sir, are we considering the merits and demerits of separate electorates?

Mr. PRESIDENT: That is not the point. The Maulvi Sahib wants to show how these communal riots occur and what is the real remedy according to the light in him.

Maulvi ABDUS SAMAD: Instead of bringing unity, peace, prosperity and happiness which is the real aim of self-government, the proposed Swaraj Government with separate electorate as the basis of election would usher in an era of anarchy, bloodshed and fratricidal war before which the late Dacca, Cawnpore and Chittagong riots would sink into insignificance. The people shall have to cry halt and appeal to the British Government to intervene and save them from the horrors of civil war. The bureaucratic system of administration would then be reinstated with greater firmness and the unfitness of the Indian people to govern themselves would be trumpeted throughout the civilized world.

That separate electorate is responsible for the growing ill-feeling and tension between the two communities has been admitted by no less an authority than Sir John Simon. He says in his report that "division by class and creeds means the creation of political camps organised against each other and teaches men to think as partisans and not as citizens." He is positively of opinion that the system of separate electorate is the main if not the only cause of the present day communal riots.

Khan Bahadur MUHAMMAD ABDUL MOMIN: On a point of order, Sir. May I draw your attention to the fact that the speaker is merely reading his speech on his resolution No. 14?

Mr. PRESIDENT: He might have given out to you or you might have dug out his secrets but I am absolutely ignorant of the mystery. (Laughter.)

Maulvi ABDUS SAMAD: The reason why separate electorate fosters communal riots is that under such a system the elections are sought and contested on communal and religious issues and not on political and economic issues and necessarily the services of the fanatical section of the community have often to be requisitioned for the success of a candidate and for other political purposes. This is a proposition which no student of political history can deny.

I think, Sir, I have said enough to show that the present day communal riots are the direct consequences of the communal electorate and as the Government is directly responsible for the introduction of this pernicious system, the main responsibility for these unfortunate communal riots ultimately rests upon its shoulder. It is true that ostensibly Government is showing great concern for the settlement of communal differences and expressing pious hopes for an amicable settlement, but it is equally true that at the same time it is taking every possible precaution to see that the settlement is not effected on a national basis. Apprehending that the Muslim communalist leaders might ultimately yield and accept joint electorate for fear of being reduced to permanent minority in Bengal and the Punjab, the services of Dr. Ambedkar, the so-called representative of the depressed class Hindus, were secured in furtherance of its policy of divide and rule. This instilled fresh hopes into the heart of the Muslim delegates and with the help of the British die-hards they entered into an alliance, I may say an unholy alliance, with Dr. Ambedkar and the representatives of the European and Anglo-Indian communities and after mature deliberation produced a document known as the Minority Pact. If the future constitution of India be framed on the basis of this Pact, and the time is very opportune for the purpose, because incarceration of the Congress and nationalist Muslim leaders has made effective opposition to the bureaucratic design well nigh impossible, then woe to India and the Indian people. There would be not only inter-communal fights, as at present, but fresh causes for inter-communal differences would constantly occur, making life unhappy and miserable. This would be a happy consummation indeed from the point of view of the bureaucracy. Sir, if this be the object of granting Swaraj then I would say to the Government "*Viksa Bazmunda Kutta Sambhal*," *i.e.*, I do not want your alms, please call off your dog. Let the sons of Mother India live in peace and amity and please do not throw the apple of discord in their midst.

With these observations I beg to oppose the resolution as legislation cannot prevent the recurrence of communal riots.

3-15 p.m.

Maulvi ABUL KASEM: I had no mind to speak on this resolution which I consider to be a matter of expression of opinion and with very little practical value. But, Sir, the last speaker's speech renders it necessary that I should say a few words so that he may not go unchallenged. In the first place, Sir, he says that these communal riots are due entirely and solely to the existence of separate electorates (A VOICE: Mainly). But I may remind him and those who share his opinion that in a joint electorate when two candidates will offer for election for a single seat, one a Hindu and the other a Muhammadan, there will be two factions, and vilifications and party factions and the fighting will be more venomous and dangerous than it is to-day when two Muhammadans fight each other. Two Muhammadans or two Hindus fighting amongst themselves do not form communal or religious feuds. But when candidates of two different religions come to the field to fight each other, the danger will be great. The existence and justification of the communal electorate is based on the principle that there might be less communal ill-feeling.

Sir, there is another point and this is not a theory. In regard to the municipal elections and elections to local bodies where there are no communal seats reserved, we have found to our disgrace and humiliation that parties have been formed on religious basis, and fighting has been resorted to on communal lines. I think, therefore, my friend will be well advised to withdraw his resolution. There can be no legislation which can prevent communal feuds.

Babu AMULYADNAN RAY: I have whole-hearted sympathy with the object of the resolution of my hon'ble friend Rai Satyendra Kumar Das Bahadur, but from the practical point of view, it pains me very much to oppose it. I do not think in the same way or see this serious problem in the same manner as the Rai Bahadur does. Without taking recourse to legislation to prevent a recurrence of communal disorders, I shall appeal to the good sense of my countrymen to seriously think over this important problem and see that this unfortunate event—unfortunate to the Hindus and unfortunate to the Moslems, unfortunate to any and every one in the land, cannot occur again. Many communal riots and communal disorders have taken place in Bengal, in India and everywhere and in every place but I submit before the hon'ble members of this House to consider if any one of them has happened for want of legislation, or for want of love and affection between brother and brother, hatred between man and man, mutual distrust between community and community. So long as this feeling of mutual distrust continues and so long as this main root is not routed out by mutual confidence and respect, legislation would serve no useful purpose in this direction.

With these words, Sir, I oppose the resolution.

CHIEF SECRETARY to GOVERNMENT (Mr. W. S. Hopkyns): When I read the resolution, I must admit that I was rather puzzled as to the intention of the mover. I looked through the list of provincial subjects with which, under the Devolution Rules, this Council is able to deal, to see whether there was anything which could affect communal disorders. I could find only two—one is Education, which in time may produce a spirit of greater toleration, and the other is Police. I do not think, Sir, that it is proposed—the mover certainly has not proposed—that the Bengal Government should use its powers to introduce legislation regarding the Police. These communal disorders are now dealt with under the Police Acts and the Criminal Procedure Code, and although the magistrates and the Police may sometimes be taken unawares—because these disorders may suddenly begin from some trifling occasion yet, generally speaking, the Criminal Procedure Code provisions and the Police Act have proved to be sufficient. Sir, I do not propose to detain the House, because, when I heard the mover's speech, it appeared that what he was really doing to-day, was to give the House a preliminary introduction to a Bill which he will move to-morrow. That, Sir, can be dealt with when it is introduced.

On behalf of Government I oppose the resolution.

Rai SATYENDRA KUMAR DAS Bahadur: In view of what Mr. Hopkyns has said, I beg leave of the House to withdraw the motion.

The motion of Rai Satyendra Kumar Das Bahadur was then, by leave of the Council, withdrawn.

Appointment of a Committee of Retrenchment.

Mr. PRESIDENT: I find that resolutions 7, 13, 21, 25, 100 and 110 are more or less identical. I think no harm will be done if I ask Mr. Gupta to move his resolution No. 7 and rule that the intending movers of the rest need not move theirs but speak on Mr. Gupta's motion if they so desire.

Mr. J. N. GUPTA: Mr. President, Sir, it is a matter of great satisfaction to me that I have been able at last to get the opportunity to move this resolution which I consider to be of the highest importance to Bengal. Indeed, Sir, having regard to the fact that there is universal movement for retrenchment in all civilised administrations all over the world, in Japan, Australia, Canada and even in the richest countries in the world like America and England and they are taking

careful stock of their resources and devising schemes of retrenchment and economy to face the world economic crisis and also having regard to the fact that action has already been taken and a lead given by the Central Government and other provincial Governments in this matter, it is a very great disappointment that the Government of Bengal are still standing out. Sir, at a moment of national crisis like this, Sir George Schuster said that the whole nation must help the Government to solve the difficulties with which the nation is faced. Therefore, the Central Government appointed a committee to help them and their example was followed by most of the other provinces, but the Government of Bengal have not yet taken this House into their confidence or appointed a Retrenchment Committee. Sir, in reply, the Government of Bengal may well say that although they have not appointed a committee but they have not been sitting idle. In fact, a memorandum was circulated some time ago by the Finance Department in which, amongst other things, it has been said that a very large amount of economy has been already effected by successive efforts at retrenchment for the last four or five years. I am also aware that since the issue of that memorandum the pay of officers have been reduced by 10 per cent. all round. But, Sir, even though these steps have been taken, I make bold to say that an examination of the memorandum itself shows that very little has been done in the direction of retrenchments which the people want. An examination of the memorandum will show, Sir, that the principal items of economy are postponements of important projects which were not considered to be of sufficient importance, to be taken up in succeeding years. That, Sir, may be an economy for one year or two, but you cannot by taking it over for a number of years, say you have effected so much economy. The total amount, I believe, is shewn to be over two crores of rupees. After examining the figures carefully, an impression has been created in my mind that permanent economies of 37 lakhs, only excluding the cut of ten per cent. of the salaries of officers, have been effected. If that be so, Sir, I submit that Government have not yet really seriously grappled with the problem. The Government of Bengal may also point out that it was not very long ago that they appointed a very able committee to consider this very question and that committee submitted a very exhaustive report. Sir, here again, Government have not really taken any advantage of the labours of that committee. That committee, Sir, I am speaking from memory, recommended economies to the extent of Rs. 1,66 lakhs. Government only accepted retrenchment to the extent of Rs. 36 lakhs in the cost of the administration. This Rs. 36 lakhs and the modification of the travelling allowance rules resulting in a saving of Rs. 1 lakh are the only economies which have been recently effected by the Government of Bengal. With this record the Government cannot come forward and say that they are in a better position than either the Central Government or any other Government

of the provinces in the matter of retrenchment. Our province is not in a better position but I should say that it is in a far worse position than any other province in India and that there is a far greater need for economy in Bengal than exists anywhere else. The memorandum points out that our cost per head of the population is smaller than either that of Bombay or Madras. They forget that our revenue per head of the population is only 1/3rd of that of Bombay and less than ½ of that of Madras. Necessarily, the cost of the administration which we can afford would be somewhat less than in these two presidencies.

3-30 p.m.

Government must be fully aware of the difficulty which we have in meeting the pressing needs of the people and how starved and sterile the nation-building departments have been for the past many years. This is not only the opinion of one or two men who have been engaged in the work of administration as I have been, but it is also the considered finding of such authorities as the Agricultural Commission and the Simon Commission. They have all held and found that of all the provinces in India Bengal has done the least towards the uplift of the people specially in those departments which are known as the nation-building departments. For this reason alone, if for nothing else, it is necessary that the strictest of scrutiny into all possible sources of economy must be made.

Now, Sir, I can imagine the Government to say "admitting that there is a very pressing need for retrenchment and economy in Bengal, what do you advise the local Government to do? You must be aware that so far as retrenchment in the higher services and large economies in the cost of administration are concerned, these are beyond the power of the local Government." Admitted; but nevertheless although it may not be possible for the local Government to pass final orders in these matters it is up to them to make their suggestions and recommendations to the consideration of higher authorities. For instance, if they find that in this province the post of Divisional Commissioners has become obsolete, it is up to them to go up and say that we no longer require the services of these officers. Take another example. If you want to amalgamate the posts of the Inspector General of Registration and the Commissioner of Excise there is nothing to prevent them going up and taking the necessary sanction. Similarly, even as regards the pay and prospects of higher services it is the Bengal Government which have to pay for them. They may be Imperial Services but considering the fact that we have to find the money, it is certainly up to us to say that we cannot any longer afford to meet these heavy charges, and it is the considered opinion of our Government

that the pay of these Services should be reduced. I make this observation in order to meet any argument that may be advanced that it will serve no useful purpose to have a committee at this stage. If we do nothing else at least consider the matured conclusions of that able committee that sat on the subject and at whose head we had no less an able business man than Sir Rajendra Nath Mookerjee, and which was assisted among others by one of the ablest of our Civil Servants, Mr. Payne, if we examined their recommendations in the light of the existing circumstances we may find that recommendations which could not be accepted at that time when the provincial finances were in a more flourishing condition than they are to-day, many should now be given effect to now. I submit that if this alone were done now we would be doing a most notable service to the province.

It will not serve any useful purpose to go into details and to show how since the Reforms public expenditure and the cost of overhead charges in the administration has increased to an extent that it is starving and sterilising all avenues of progress in the province. I have taken the trouble to write a short memorandum on the subject giving my views in detail for the benefit of the Hon'ble the Finance Member and any other member of this House who might be interested in the subject. Therefore, it will save the time of the House if I do not go over the whole field, but there are two items which must have attracted the attention of every member of the House and to these I should like to refer.

First, the size of the present cabinet and emoluments and salary of the Members of the Executive Council and Ministers. It is no pleasure to me to refer to this matter time after time. Every other province has considered this point and their conclusions have been, I say without any fear of contradiction, unanimous that under the existing finances of the country the scale of pay of the officers of the cabinet is far too excessive. I will not go into detail and suggest what the pay should be, for we should have an opportunity of considering the matter again when discussing the budget, but will content myself with making the observation that it is a point which has attracted a great deal of public attention. Not only the pay but the number of the members of the cabinet is very excessive. Here again I will not say whether 4 or 5 should be the normal number in this province. The Rajendra Committee came to the conclusion that 4 or at the most 5 should be the normal number, and I think we all agree in that view. Similarly, the extraordinary increase in the secretariat staff (no doubt there has been a large increase in the work of the secretariat) has also drawn adverse comment. As far as I remember, in the place of 1 Lieutenant Governor and 4 Secretaries who ruled the old province of Bengal, Bihar and Orissa, we have now 2 Governors and I believe 11 Members of

the Cabinet, 14 Secretaries with a great number of Additional Secretaries and Under-Secretaries. This increase is most monstrously heavy and we see no justification for it. But the whole question is. can the province afford to pay for them? After all Governments exist for the good of the people, for giving them peace and opportunities to find employment, the right sort of education, and immunity from preventible disease. If these primary objects of Government are not served properly, are we not justified in asking why should we allow this enormous increase in expenditure? Surely we cannot go on neglecting the primary needs of the people while we have to pay for these highly paid services.

There is still another argument which Government might possibly advance and to which I must refer. It might be said "we agree that the administration is very top heavy; we agree that it is very necessary to see how much pruning is possible, but are you not aware of the impending momentous constitutional changes? So of what practical use will any decision be which we may arrive at? For who can guarantee that the government of the future will accept any decision that we may take"? My reply to that is that it is of the utmost importance that we should give a lead to the future government. We cannot afford to leave them a load of debts, an empty treasury and a constitution which will be difficult to work because they will have not enough money. It is our bounden duty to help the future constitution and that is not my view only, it is not the view of Indian politicians only, it is also the view of the non-official European community. The Madras Association passed a resolution not long ago "that in view of the great constitutional change which we are bound very soon to get in India there should be, before we get the new constitution with all its implications of democracy, a sharp pull-up in expenditure—Central and Provincial. It was essential" in their opinion "that a really searching inquiry should be made into the widest field of expenditure." Even such a conservative organ of public opinion as the *Times of India* in commenting on the work of the Central Retrenchment Committee and the committees of the other provinces, says: "We cannot forget that Government were slow to act when the world crisis showed signs of developing; they were slow in seeking non-official help and they appointed a Retrenchment Committee long after this course stared them in the face. An administration keenly alive to the importance of cultivating public goodwill and sympathy at a criticial time would have grasped more quickly the supreme necessity for economy. The public are not yet satisfied that either Central or Provincial Governments have done all they can to set their house in order."

If this can be said about the really earnest and serious efforts of the Central Government, alas what shall we say of Bengal? The same paper makes these weighty observations: "We shall like to see the

Government as greatly determined to reduce taxation by wholehearted re-organisation and retrenchment as they are to maintain law and order. These both are equally important."

3-45 p.m.

I would like very much to stress the point that the maintenance of law and order is not the only matter which should engross the whole attention of Government, but I will say that the present is a crucial moment when we are on the threshold of far-reaching constitutional changes, that we must bring about a sound financial readjustment by a thorough reorganisation of the administrative machinery and retrenchment, otherwise the Government of the future will be faced with the same difficulties with which we are now faced. We always hear of the maintenance of law and order, but I think it is my duty to point out that the vital needs of the country do not receive the attention they deserve in the present scheme of the administration, which benefit a few, while neglecting the interests of the starving millions of the province.

Sir, as I have said, it is no pleasure for me to talk of retrenchment in season and out of season. I have personally been a sufferer through my sons on account of the retrenchment already made, but this is a time when we must all be prepared to make common sacrifice.

Sir, while referring to the question of the great increase in the cost of administration under the Reforms, I omitted to mention another matter which also attracted the attention of the Central Retrenchment Committee, namely, the special concessions which the European members of the Services receive as a result of the Lee Commission's recommendations. I have gone into the matter in the small pamphlet to which I have already referred, wherein I have shown that Sir George Schuster, while defending these concessions on the ground that they were devised to meet grievances which were found to be really existing at the time, failed to point out whether those grievances still existed. Take the case of the passage allowance, for instance. Is it not a fact that some 25 per cent. reduction in fares has been made by all the steamer companies? And is there any need for still maintaining the overseas pay concessions originally desired to meet the old rate of exchange, now that the rate has been fixed at 1*s.* 6*d.*? He never stopped to examine these subsequent changes. Is it fair, I ask, that the basic pay of a service should be touched before the special concessions to one class of officers only are carefully scrutinised and pruned down? It is no answer to say that once these concessions were allowed, they must go on for ever. Has Government no option to review the position in view of the depleted condition of its finances? Is it not up to Government to say "well we are sorry we are now unable to continue these concessions to our officers whether European or Indian both because

we have not enough money and because present circumstances make them unnecessary"? Sir George Schuster said that it was to avoid a discriminatory treatment that the Lee concessions should remain untouched. Marvellous argument indeed! I am fully aware, Sir, that at this time when far-reaching constitutional changes are about to be introduced it is very important to keep the public services, and particularly the European members of the services, contented. Do that by all means, but Sir, is it any use for India—India of to-day—to have servants who do not feel that this is their own country, who are here only for earning money, who are not prepared to shoulder their share of responsibility and sacrifice at a time of national crisis? I am sure that the European members themselves will realise that they must rise to the higher patriotism to which Lord Curzon used to refer when he wanted to rally both Europeans and Indians to the service of India.

I think, Sir, that the case for the appointment of a retrenchment committee without delay is obvious. All the other provinces, as far as I know, have appointed such a committee. All the major provinces, Bombay, Madras, the United Provinces, the Punjab, have got such a committee, but Bengal alone in company with the poorest and most backward provinces have stood out. She is certainly not in good company.

Bengal wants more money to stop the decay and stagnation which has overtaken her and which are paralysing all the arteries of her natural and healthy growth. She wants more money to feed her Children, to spread the light of education and enlightenment amongst them, to save them from disease and malnutrition, to stimulate her decaying staple agricultural industry and to open out and develop other industries to relieve the everincreasing pressure on land. The only two ways by which we can increase our resources are by obtaining for ourselves a larger share of our revenues the bulk of which is now being appropriated by the Central Government, and by rigid curtailment of our home expenditure and all-round economy. There is no third way because the Province cannot bear the load of any fresh taxation with the present scale of the income of her people. As regards the first I have often drawn the attention of the House to the paramount duty which lies on every citizen and the Government to fight for financial justice to Bengal, but the remedy does not lie entirely in our hands. To-day I appeal to the House for united action in a sphere in which we are able ourselves to take the initiative. Let the overgrown top-heavy and extravagant scheme of administration be ruthlessly pruned down so that the people for whose interest the Government exists may live and prosper. May I not turn my suppliant's gaze to the Treasury Bench itself? On a previous occasion I pleaded that Government should prove loyal to the new spirit which is now abroad. Sir, the Round Table Conference and all that it

stands for is no more a distant vision merely. It is the highest and weightiest reality in the annals of Indo-British relations of which history will take note. And on a momentous occasion like this let the Government play its part worthily. Let it not be satisfied by merely preserving law and order and by discharging its routine duties only. We must do all we can to make the things easy for the Government of the future and leave them the benefit of our knowledge and our experience in the generous spirit conceived by Sir George Schuster. Let the Government not feel that it is being dragged unwillingly into unfamiliar and uncongenial ground. Let it be a willing and zealous worker in completing the great task which is now before the Indian people and the Indian Government. I know I can confidently appeal to all sections of the House for co-operation in this matter. I appeal to my Muhammadan brethren, for are we not the sons of the same mother and shall we exhaust all our might in an unseemly scramble for communal influence and power while our mother lies sick and prostrate nay almost into death? To the group led by my friend Sir Lancelot Travers I have an equally urgent appeal to make. Surely they realize that in the prosperity of the people lies their prosperity, the prosperity of trade and commerce in which they are principally concerned. Surely they do not genuinely believe that it is the political awakening of the people, their struggle to obtain political self-determination and not their growing poverty, the rapid contraction of the purchasing power of the raiyat aggravated no doubt by the dead-weight of the world-wide economic crisis, which accounts for the economic and commercial crisis in the Province. By co-operation, advice and sacrifice, help the Province to tide through the crisis, help her decaying industries to revive and you will all share in the national prosperity. Sir, Bengal has the largest European population of any province in India and do my European friends consider it a credit to their community that this Province is steadily going back while other provinces are steadily forging ahead? Sir, all the dictates of self-interest as well as duty demand that we should all join hands and help, while there is yet time, to build up afresh and reconstruct this land of unbounded and unlimited resources, so that we and after us our children may live a united, free and prosperous people.

[At 4 p.m. the Council was adjourned for prayer and it re-assembled at 4-15 p.m.]

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, in obedience to your ruling I am not going to move the resolution that stands in my name. The resolution is practically identical with that of Mr. J. N. Gupta. At the very outset I may say that after

the learned speech of Mr. Gupta there is hardly anything left for me or any body else to say. He has explored all the avenues of retrenchment, and he has suggested the manner in which retrenchments can be done. As a public servant of long standing he has been able to grasp and deal with the situation so ably. Sir, we are thankful to His Excellency the Governor for surrendering ten per cent. of his salary and the Government have adopted the principle. But, Sir, at the same time I may say that this cut of ten per cent. has not been approved either by the public or by the Government servants as a whole. This has been disapproved by most of the Government servants, I mean those who are low paid. They seem to think that this cut is not justifiable at the present moment. They are of opinion that there should not have been a flat rate of cut but that it should have been on a graduated scale. There is also another matter regarding which they grumble, I mean about the deduction of the income-tax. They say that officers getting a higher salary have to pay income-tax out of the ten per cent. reduction, which on the other hand the lower paid servants of Government have to pay it separately from their pay besides this 10 per cent. They also think that the uniform rate is not suitable at the present moment. The question should be examined and the pre-war rate might be suitable. I do not say that this rate should be adopted, and all that I want is that the matter should be closely examined and scrutinised thoroughly. My friend, the Hon'ble Mr. Marr may say that this matter has already been scrutinised, specially in Bengal but not in other provinces, so there is no need to go into the question once more as other provinces have done. I may, however, remind him that the circumstances of to-day have altered a great deal. What was once considered one of the most important departments is now considered an useless one. Mr. Marr's plea, if he does, however, does not arise at the present moment. I am not going to make any suggestions by way of recommendation as Mr. Gupta has done as I have not got the material facts and figures before me. At the same time I must say that the matter should be scrutinised by a committee consisting of both officials and non-officials with a non-official majority. With these remarks I support the resolution.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I beg to take this opportunity to extend my humble support to the resolution moved by Mr. Gupta. We are now in troublesome days. The present financial condition of Bengal may not be so bad as that of some other places or of the Government of India but it is bad enough, I believe, will be admitted by all.

I think the necessity for retrenchment will be admitted by any person who has a sense of responsibility and except the ultra-optimists

among us all would admit what is coming ahead and which has already cast its shadow in front ought to be our eye-opener. As representatives of the people of Bengal we ought to realise our responsibility and read the warnings correctly and take steps in proper time.

Sir, to me the necessity of effecting retrenchment is keenly felt with a view to—

(1) balancing of the Budget;

(2) supplying funds for the most neglected nation-building departments;

(3) meet the increased expenditure which is sure to follow with the introduction of a new constitution;

(4) relieve the people from further increase in taxation.

During the last quarter of a century we have had gradual but steady and persistent increase of expenditure. From one Lieutenant Governor with four Secretaries for a Bengal almost twice its present size, we now have one Governor with all his parapharnalia as well as 7 Executive Councillors and Ministers and 28 Secretariat officers (I find the number in the Civil List) for a much smaller Bengal.

But it is now time that we should pause and consider whether the process of increasing expenditure should be allowed to go any further.

It is not difficult to forecast that our administrative expenditure is sure to increase, while it is quite clear that our receipts under such important heads as Excise, Stamps, etc., are sure to go down and decrease.

Sir, the causes of the increase of expenditure are—

(1) the general administration is top-heavy almost in every department;

(2) too much expenditure is incurred in the administration of law and order. It is notorious that the Government of Bengal spend 20 per cent. of the whole revenue on Police alone. At times the Government spends large sums of money on a fetish of prestige;

(3) decentralisation of the departments. By the introduction of the Reforms there have sprung up watertight departments in the Secretariat, by which the volume of work in each department has been distributed and officers have less work to do and red-tapism has further increased.

Administration like water has a tendency to lose both its force and depth by making it run through broader surface. Now, it is high time to examine whether the change yields increased efficiency or is

in any way for the better for our country. Every good administrator must, from time to time, consider whether the new venture is working for the desired effect or not, and devise ways and means for further improvement, assuming all the changes have been for the good of the administration. Sir, the Government ought to see whether there is justification for the upkeep of the costly administration that has been ushered in during the last few years.

What are the remedies to put a stop to this tendency of gradually increasing expenditure and how to minimise the cost of administration —these are the exact purposes for which a Retrenchment Committee is needed. I do not say that the committee will be the final authority and shall be able to solve our difficulties. But an efficient inquiry into the working of the administrative offices will be required at some intervals and also at the transition of one kind of constitution to another. If the committee sits to work earnestly to find out some means of economy, I am sure much benefit will accrue.

It is true that recently the Government of Bengal have made some retrenchment and have saved some money. But that had been done in the Government's own way and the Bengal Council had been kept out in the cold shade of neglect. I have heard it said that the matter was very urgent and there was no Council sitting. Perhaps so, but could not the matter be placed before some representative standing committee of this Council? Sir, in this connection I cannot resist the temptation of quoting Khan Bahadur Azizul Haque, our colleague. He has expressed very aptly the following view while presiding over the All-Bengal Ministerial Officers' Conference and this is what he said: "The Government of Bengal has ushered in most drastic reductions without the least trouble to consult the Council."

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"Here is an example how merrily momentous measures can be brought in without even the courtesy of consulting the Legislative Council. I am more and more coming to the view point that the Reforms have given us a highly costly administrative machinery without much corresponding gain to the country at large." This is, Sir, the opinion of a colleague of ours who is considered to be very moderate in his views. Here I may say that the Government's action in imposing a uniform cut of 10 per cent. in salary over Rs. 40 per month as the previous speaker has said, has not met with the approval of all. There ought to be graduated cuts leaving the lowly paid employees alone. But this is not the time to criticise those steps.

We believe there is ample room for effecting economy by retrenchment and reorganisation and these can be possible if there be the will behind. There are several offices which can be amalgamated without destroying the idea and principle of decentralisation. For example, the Director of Public Instruction's office with the Education

Secretary's office, Registrar of Co-operative Stores with the Secretary, Local Self-Government, Inspector-General of Registration with the Presidency Commissioner, etc.

The cadre of the superior Executive Service can be cut down and those of the inferior services increased—investing the subordinate officers with higher powers. Nowadays there is little difference between the calibre and intrinsic merit of the servants of both these grades. Many of our sub-deputies are men of very good qualifications and are recruited from the best of our University graduates.

Then it may be possible to introduce a lower grade in some service for less important duties for which now officers of higher grade are employed. Like sub-deputies why cannot we have sub-munsifs on lower pay?

We may try to abolish some such posts as that of Divisional Commissioner, etc., and such departments as that of Director of Public Instruction, etc., may be abolished by amalgamation of duties.

Reshuffling the subdivisions for the purpose of judicial work with a view to abolish a number of them is within practical politics. This, I hope, will not be denied by the Government. I learn law suits have decreased appreciably and near Calcutta; Sealdah and Alipore may well be amalgamated, especially when distance has practically been annihilated by motor cars. By judicious reshuffling of some administrative and other units it may be possible to ensure economy without sacrifice of efficiency.

Turning to the High Court we wonder why an Additional Judge is still necessary when the number of cases is no doubt coming down. We wonder why in spite of the recurring loss sustained by Government, the Paper-Book Department should be allowed to continue as a temporary department year to year.

I have, Sir, indicated some directions in which substantial economy may be effected and if the committee be appointed, experienced councillors will surely be able to find out many sources of economy without sacrifice of efficiency and without causing inconvenience to the tax-payers.

I therefore appeal that the Government should give the Council one more opportunity to tackle this question of economy. In any case, the Government ought to take the Council into confidence and if economy be not possible let us hear that from the members of that committee after the members go into the questions fully.

4-30 p.m..

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I do not think I need waste any of the time of the Council by speaking in

support of this resolution, because it is one which I am sure will commend itself to all sections of the House. In fact, retrenchment is the crying need of the Government of Bengal, and I am sure nobody will be more pleased than the Hon'ble Member himself if fresh avenues of retrenchment can be found for him. What we want by this resolution is that the Finance Member may have a body of non-official advisers to advise him on questions of retrenchment. It will be simply flogging a dead horse to stress the need of retrenchment. It is needless to remind the House that we have all been trying to find out ways of retrenchment. The Finance Member was pleased some time in September last to send out a memorandum as to the steps taken by him towards retrenchment, and he also asked for memoranda from the members if they had any suggestions to make. Certain suggestions were sent in, and we were told that they were being considered. The whole question is whether Bengal will fall in line with the Central Government and the other provinces, and have a non-official body of men in order to help the Finance Member in effecting retrenchment. A few minutes ago outside this Chamber we were having a talk on this question of retrenchment, and I was asked whether I had any faith in a Retrenchment Committee being able to do any real work, and I said that would depend on how the members of the committee would act. It may be correct to say that if a committee be appointed of persons who merely sit down in order to talk and talk and to trot out their own favourite ideas, it would not do much but if the committee sat down in a businesslike way, and examined the materials with the help of the Finance Member and the Government departments, I see absolutely no reason why the members of this committee would not be able to do real substantial work for the purpose of retrenchment. This committee will not sit for months; a time-limit may be fixed by this Council within which the committee must submit its report, and I am sure if the problem is tackled in a businesslike way, they will be able to assist the Finance Member who, I hope, will accept this resolution.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: The previous speakers, each one of them, has tried to make out a case in support of this resolution. Every one has put his case from a different standpoint. I come from the mufassal, where even in the jungles these economic difficulties are being felt, and I want to place this case before the House from a different angle of vision. The point I wish to raise is that Government has been admitting that its finance is not sufficient to balance its budget. The expenditure they have to incur for the efficient and proper administration of the country is not forthcoming,

for reasons which I need not dilate upon here, and as long as this state of affairs continues, I am sure the Hon'ble Finance Member can never think of getting increased revenues. That being so, may not I ask him, on behalf of the rural people whom I represent, to accept the assistance of the non-officials here who in all seriousness are striving to co-operate with him in coming to some solution of this problem, and if he will accept the co-operation of the Council some scheme may be devised for the raising of money, and it would be a really good thing for the Government? I want to say that the people at present are not in a position to pay any more taxes. I have been informed that for the purpose of raising more revenue, fresh surveys are being made. I know my people are in such financial embarrassment that they are not in a position to pay anything more. So I would appeal to my friend the Revenue Member, as well as the Hon'ble Member in charge of Finance to cut their coat according to their cloth, and for this I think the co-operation that has been offered by the non-officials, should not be refused on any pretext, and this committee, which my friend has suggested, ought to be formed, and that Government should get the assistance of the non-official members in solving this most knotty problem that is facing the Government at this time.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I rise to give my most emphatic support to the resolution of Mr. Gupta and similar other resolutions which seek the appointment of a committee to examine the finances of this Province in order to devise some means of effecting economy. I am aware that committees and conferences nowadays are not popular with the people or with the Government. I am also aware, as the Finance Member said the other day, that a committee means money, and we are reduced to such circumstances that even one pie counts. This statement makes it all the more necessary. It shows how bad a plight we are in, and the necessity for overhauling the entire administrative machinery so that it may not break down suddenly and irretrievably. It is not necessary for me, Sir, to go back to the period of 10 years back about which Mr. Gupta has spoken, when larger Bengal was governed with the help of one Lieutenant Governor and a few Secretaries; nor is it necessary for me to dilate on the larger question of an expensive cabinet. What I wish to impress on the House, and particularly on the Treasury Benches is that there is a widespread feeling among the people even among the masses that the Government is top-heavy, and is being run for the benefit of a few individuals. This is the feeling, whether right or wrong I do not know, but it is necessary that there should be a committee to inquire into the whole question of finance, not only for temporary purposes, as that has been done very lately, but really to overhaul the entire machinery and to arrive at a solution of how to balance the budget.

The income of this Province is about 11 crores, and nearly all this enormous sum is spent on establishment. We are simply carrying on, and as far as the transferred departments are concerned, the stringency with which we are carrying on seems to me to lead to nowhere. What is the use of keeping such a paraphernalia of Ministers if they have no money to use to give practical shape to their policy? What is the use of cultivating expensive mushrooms when we can live on boiled potatoes?

4-45 p.m.

Sir, they are simply a disgrace to the eyes of the public. What is the use, Sir, if I may be permitted to use a simile, of employing an expensive *Mug* cook when we are only eating rice and potatoes? I say, therefore, Sir, that it is time that we should have an inquiry into the finance of our country. It is not enough to have, as has been done, a ten per cent. or any other percentage cut of salaries. This is neither adequate nor reasonable, because a general percentage cut, although it may not mean much to highly paid officers, is certainly a great hardship to the poorly paid servants of Government.

I do not wish, Sir, to take you through any elaborate figures, but I would like only to draw your attention and the attention of the House to one or two figures which will show how our expenditure has grown up. In 1920, the total expenditure of this Government was nine crores. It has now by gradual rising come to about Rs. 11,55 lakhs for the current year, although the revenue is a little less than what it was in 1920. You will find, Sir, that under particular heads, for instance, under "General Administration," the expenditure has gone up tremendously. Under "General Establishment," for 1920 you will find Rs. 26 lakhs, while at present it is Rs. 78,94,000. Under the head "Civil Secretariat," the expenditure has increased from Rs. 9 lakhs in 1920 to Rs. 15,47,000. I do not wish to mention the figures of Police expenditure as these will simply make you wonder where we are driving at.

Provincial autonomy, Sir, is looming large before our eyes, and at no distant date we hope to be able to get a complete control over the administration of our country. What use will it be to us to get charge of a Government which is mortgaged up to its neck? What is the use of having a bankrupt Government and trying to run it, and then, if we fail to improve its condition or show any progress, only to be declared as inefficient? I say, Sir, this is the position with which we are faced. I, therefore, appeal to the House to support Mr. Gupta's resolution, and to the Finance Member also to accept the same.

Sir LANCELOT TRAVERS: Mr. President, Sir, the opinion of my group is that a Retrenchment Committee is not required. In our

opinion, Mr. Marr, a very competent man, has examined every possible source of expenditure with such success that it is improbable that a committee will find very much to do. At the same time, we have no objection whatsoever if it is the opinion of the Indian members of this Council that a committee should be formed. My only argument against it is the possible cost of such a committee, and we could deal better with that subject if we have some indication of the probable savings. Perhaps the members of the committee if appointed might be able to do their work quite voluntarily. Of course, that would reduce the cost of the committee. However that may be, we want to say that we have no objection to a committee if the Council desires that this committee should be appointed.

Babu JATINDRA NATH BASU: I think, Sir, that Sir Lancelot Travers has missed the point made by the speakers who have already spoken in support of the resolution. It was shortly this: Not that there is a certain amount of expenditure which the Government has been incurring in order to carry on the administration and that Government is putting forth efforts to secure such economy as would substantially decrease that expenditure, but the point that was made by the speakers was that this Province has a certain income. We have lived 11 years after the inauguration of the Montagu Reforms. We know that the sources of revenue allowed to this Province have been such that they have little capacity for real expansion. Having regard to that fact, complaints have been made, and it has been bitterly felt year after year in this province that the Government has entirely failed in such readjustment of the machinery of administration as would leave a sufficient margin of the income for the real work of developing the province. The Government is simply carrying on. That is not the function of Government. The function of the Government is to see that the province is developed. But that function has been ignored. That is our complaint. A new system is coming, as Mr. Momin has just said. It has been suggested that it is no use holding an inquiry because the new system may bring about new conditions. But, I submit, Sir, an inquiry is necessary as early as possible inasmuch as it will show to those, who will have to work the new system, the various matters in which it is possible to reduce expenditure and to create an administrative machinery which will work the administration with a fair amount of efficiency. It has also been pointed out by Mr. Momin that expenditure under different heads has gone up extraordinarily. For instance, under the head "General Administration," the increase is very high; under the "Police" the increase is tremendous; while the subject of public health has been practically ignored. And all this while malaria has been spreading from Western Bengal to East Bengal, and it is feared that unless it is checked, East Bengal will suffer as

much as West Bengal has for the last 70 years. These are matters which have been overlooked. All the attention that has been given to police and other such establishments has been at the expense of various other matters in which the people were more vitally interested. People do not care much whether a small dacoity is prevented in an obscure corner of the province, but they do care that they may be saved from untimely death from malaria and other preventible scourges. I, therefore, think, Sir, that the committee that has been asked for should be appointed without delay, and that they should try to do their work early.

The Hon'ble Mr. A. MARR: I hope, Sir, not to take up much time of the House, as I have not very much to say. In the first place, I think I may safely assert that every one in this House will support me when I maintain that Bengal was most disgracefully treated in the financial settlement of 1921. I think further that every one will fully agree with me when I make the statement that if the Bengal Government had only been able to make over some substantial sum to the nation-building departments every year, say, Rs. 50 lakhs, the history of the last ten years would have been very different indeed. However, as soon as Government learnt of the financial settlement, they realised at once that they would have to cut down their expenditure in every way possible in order to balance their budget. We started retrenchment even before the Retrenchment Committee was appointed, but I do not think that I need go into details about what happened then. At the suggestion of my friend, Babu Satish Chandra Ray Chowdhury, after the last session of this Council I had a memorandum prepared detailing the progress of retrenchment during the last ten years, and a copy of that memorandum was sent to every member of this House. I think that memorandum shows sufficiently clearly what retrenchments have been made in every department of Government. We have practically finished the work that the Governments of other provinces have only recently begun. We have been retrenching for the last ten years. The Government of India and other provincial Governments have started retrenchment only recently.

However, my main point is this. Since we sent out that memorandum, we have had our figures in it brought up to date. As explained above, as soon as the new financial settlement was brought in, the Government of Bengal immediately started retrenching and retrenched to the tune of Rs. 70,52,000 in the year 1921-22. They found, however, that this was not sufficient and so they imposed an all-round 5 per cent. cut in 1922-23 which resulted in a saving of Rs. 48,89,000. This was done in anticipation of the recommendations of the Retrenchment Committee of 1924-25. Certain of these recommendations were accepted by Government and a saving of Rs. 37½ lakhs was effected. It has been

said that the savings which Government made as a result of the recommendations of the Retrenchment Committee were very small. But I may point out that many of these recommendations had already been carried out in the two previous years, and therefore the true figure of savings as a result of these recommendations is very much higher than Rs. 37½ lakhs. Again in 1930-31 we were able to effect retrenchments to the extent of Rs. 40,67,000 and in 1931-32 Rs. 13 lakhs. This latter figure does not include the savings on account of the 10 per cent. cut in pay which was brought into effect from the 1st of January last. We have found it rather difficult to arrive at a fairly accurate estimate as to what this cut will produce, but we think that it will bring in just over Rs. 9 lakhs this year and Rs. 37 lakhs next year. Government are still considering further retrenchments in next year's budget, and we hope to make a saving of just under Rs. 14 lakhs.

I think it is only fair to Government that this House should recognise that for the last ten years we have been effecting savings in every way we can. My personal feeling is—and in this matter I share the views of Sir Lancelot Travers—that very possibly no committee will be able to do very much in the matter of recommending retrenchments unless they go in for altering the basis of the constitution. However, this House may feel that it would like to have a committee of its own to satisfy itself whether this statement of mine is correct or is not correct, and, therefore, in order to ascertain the wishes of the House on this point, Government have decided to leave this question to the free vote of the House; and if the resolution is pressed to a division, the official members will not take part in the voting. If the resolution is passed by the House, Government will take it into consideration.

Rai Dr. HARIDHAN DUTT Bahadur: May I ask one question? We have heard so much about expense but may I inquire if the members of the proposed committee would consist mainly of men who ordinarily reside in Calcutta and as such would not be entitled to fees or travelling allowances? Will the expenses be very high in that case?

The Hon'ble Mr. A. MARR: I am afraid I cannot say. In the first place it depends altogether on the personnel of the committee. I cannot promise that all the members of the committee would be Calcutta men; sometimes a mufassal man is very valuable.

Babu SATISH CHANDRA RAY CHOWDHURY: How long is the committee going to sit?

The Hon'ble Mr. A. MARR: Expenditure will also depend to a great extent on the time taken by the committee to finish its labours.

Mr. J. N. GUPTA: I shall say just one word in reply. It seems it is very hard to convince the Government of Bengal that the nature of the retrenchments that have already been effected by them is not exactly on the lines we want. There has been no retrenchment, or very little of it in the permanent branches of the administration. Whilst the cost of the administration remains the same, only the schemes and projects for some departments have been either cut down or postponed. I do not want to say that there has been no retrenchment but that retrenchment has been so little and on lines so different from that advocated by us that it is not likely to effect any substantial and permanent savings. That is my point. I may be right or I may be wrong, but I think the House is unanimous in wanting to get at the bottom of the things. If this committee is appointed, we need not waste much time. We have already got an able report, we have already got the Government memorandum and no doubt we shall also get the assistance of our able Finance Member or of any of his assistants, so we should not take much time in coming to our conclusion. I dare say that members of the committee will be patriotic enough to forego all fees if necessary. Personally I can assure you that if put on the committee I shall not charge a pice. Sir, the needs of the province are urgent and I have not brought forward this resolution as a vote of censure on the Government or to serve any other object. Finance is a crucial matter for Bengal. As the Finance Member has pointed out our revenues are totally insufficient and the Government of India are starving us, but while we are maintaining a huge machinery of the administration we are cutting down the supplies with which alone the departments can function, and what we want to do is to hack the body of the imposing paraphernalia of the administration so that our expenditure might be brought within the limits of the resources of our province, and therefore I appeal to you not to grudge a little expense. This is a matter in which we should not grudge any little expense that may have to be incurred. So I now request the President to find out the opinion of this House on this matter.

The following motion was then put and agreed to:—

"This Council recommends to the Government that a Committee of Retrenchment be appointed for the province to examine and consider all possible retrenchments of the administration both in the Reserved and the Transferred sides, and to recommend to Government to take suitable

action either in their own competence or by reference to the proper authority with a view to effecting a substantial reduction in the cost of the administration."

The decision on the foregoing resolution covered the following resolutions:—

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: "This Council recommends to the Government that a mixed committee of officials and non-officials (with a non-official majority) be appointed immediately to inquire as to how retrenchment can be effected in the various departments of the Government and the said committee be instructed to submit their report by the 10th March next."

Rai Bahadur Dr. HARIDHAN DUTT: "This Council recommends to the Government that a committee consisting of officials and non-officials be formed immediately to devise means and methods for retrenchment in the different departments of the Government of Bengal with a view to ensure all possible economy in its administration."

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: "This Council recommends to the Government that the zamindars be relieved from the duty of realising road and public work cesses of the rent-free lands and the former practice of their realisation by the Collectors be revived."

Mr. J. N. GUPTA: "This Council recommends to the Government that a committee be appointed to work out a comprehensive scheme for effecting a permanent reduction in the cost of the administration of the province."

Mr. NARENDRA KUMAR BASU: "This Council recommends to the Government that a committee consisting of three elected members of this House and two officials be formed to go into the whole question of Retrenchment."

[It being 5-10 p.m. by the clock.]

Mr. PRESIDENT: I think it is useless to take up another resolution at this stage for I shall have to adjourn the Council at 5-15. So I now adjourn the Council till 2-30 p.m., to-morrow.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Friday, the 5th February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 5th February, 1932, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 105 nominated and elected members.

Starred Questions

(to which oral answers were given).

Landlords' transfer-fee in the Dacca Collectorate.

*24. **Rai KESHAB CHANDRA BANERJI Bahadur:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the number of revenue-paying estates in the Dacca district;

(*ii*) the percentage of Hindu, Muhammadan and Christian cess-payers in the said district; and

(*iii*) the amount of landlords' transfer-fees in deposit with the Collector up to December, 1931?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir B. S. Ghose): (*i*) 11,872.

(*ii*) No figures are available, and to obtain them a prolonged and expensive inquiry would be necessary, which Government regret they cannot agree to undertake.

(*iii*) The amount of landlords' fees and landlords' transfer-fees, remaining in deposit with the Collector in September, 1931, was Rs. 3,65,187. Figures for the quarter ending 31st December, 1931, are not yet available.

Rai SATYENDRA KUMAR DAS Bahadur: Will the Hon'ble Member be pleased to state whether due notices were issued to the landlords for taking the deposits?

The Hon'ble Sir B. S. GHOSE: I ask for notice.

Payments of awards under the Land Acquisition proceedings in the 24-Parganas.

*25. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the Hon'ble Mr. W. D. R. Prentice, as Collector, 24-Parganas, passed definite orders for local payments of awards under the Land Acquisition procedings?

(*b*) Is the Hon'ble Member aware that local payments have been systematically ignored by the present Land Acquisition Deputy Collector of the 24-Parganas to the great hardship of the poor cultivators receiving such awards?

(*c*) Will the Hon'ble Member be pleased to lay on the table a statement showing for each of the years 1927 to 1930-31—

(*i*) the number of awards; and

(*ii*) the number of local payments?

The Hon'ble Sir B. B. GHOSE: (*a*) He directed the Land Acquisition Officer to arrange local payments in as many cases as possible.

(*b*) No.

(*c*) A statement is laid on the table.

Statement referred to in the answer to clause (c) of starred question No. 25 showing the number of cases in which awards were made and the number of cases in which local payments were made.

	1927-28.	1928-29.	1929-30.	1930-31.
Number of original main cases in which awards were made ..	45	52	45	36
Number of original cases in which local payments were made	22	21	18	18

The above figures are exclusive of cases in which local payments were made by cheque or money order.

Unstarred Questions

(answers to which were laid on the table).

Certificate criminal cases in Rangpur.

25. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of criminal cases under section 186, Indian Penal Code, started in the district of Rangpur in 1931 in connection with the certificate cases of the Court of Wards' Estates?

(*b*) How many of them—

(*i*) ended in acquittal in 1931; and

(*ii*) were pending on the 2nd January, 1932?

(*c*) What amount of cost have the Government incurred in connection with these cases?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) 25.

(*b*) (*i*) 10.

(*ii*) 3.

(*c*) Rs. 80-10-0.

Erosion at Barnes Junction by Teesta.

28. Sir LANCELOT TRAVERS: (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state the result of the inquiry into the dangers from the Teesta changing its course at Barnes Junction?

(*b*) Have the expert engineers expressed any opinion as to whether the river will move further to the east and towards the Jaldhaka?

(*c*) Has a report been submitted to Government and is it available?

(*d*) Are any suggestions for remedies submitted for dealing with the flood water?

(*e*) Have the Government formulated any plans to deal with the situation should the railway be again breached?

(*f*) Have they considered the question as to how the tea industry is to import food-stuffs and to export its produce?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) The Chief Engineers of Government met the representatives of the Railway Board at the site. Government are awaiting proposals of the Railway Board regarding the erosion at Barnes Junction.

(*b*) No.

(*c*) and (*d*) The report of the inquiry has not yet been received from the Railway Board.

(*e*) and (*f*) The Railway Board are investigating the question of railway communication with Barnes Ghât and their report is awaited; until this is received it is not possible for Government to arrive at any final decision as to their line of action or future policy.

Moslem excise vendors.

27. Khan Sahib Maulvi MUAZZAM ALI KHAN: Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state what is the percentage of Moslem amongst the excise vendors in the Pabna district?

MINISTER in charge of AGRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): 15·9 per cent.

Alaipur, Bemorta and Kobadak khals.

28. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what progress has been made in connection with the reclamation of the Alaipur, Bemorta and Kobadak khals?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Estimates have been sanctioned for the reclamation of the Alaipur and Bemorta khals, but funds are not available to carry out the work at present.

In the case of the Kobadak river the cost of preparation of the scheme to be undertaken under the Agricultural and Sanitary Improvement Act, 1920 (Bengal Act VI of 1920), has not yet been deposited by the people interested.

Number of rural and central banks liquidated.

29. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing for the years 1927 to 1931 the number of rural and central banks that went into liquidation?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): A statement is laid on the table.

Statement referred to in reply to unstarred question No. 29.

Year.		Number of central banks under liquidation.	Number of rural banks under liquidation.
1927	..	Nil	73
1928	...	Nil	138
1929	..	Nil	160
1930	...	Nil	160
1931	...	Nil	141

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Agricultural and Sanitary Improvement (Amendment) Bill, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to present the report of the Select Committee on the Bengal Agricultural and Sanitary Improvement (Amendment) Bill, 1931, by Maulvi Abdul Hakim. It is to be made clear that, in accepting this Bill, Government do not accept any new liability on the part of Government to finance schemes for which funds may not otherwise be available. The amendment does not impose any fresh liability on Government, but only limits the power of the Collector to require security to be deposited from private parties. It does not empower the Collector in lieu of taking such security to order that any work shall be done at Government expense for which funds have not been made available in the budget and placed at his disposal under the usual procedure. The fact that the Collector is no longer empowered to demand security will not create any obligation as against Government for the work to be done at Government expense when Government have not previously made budget provision for the purpose; but will simply mean that until funds are assured of from one source or another, progress with the project in question will be at a standstill. It is to be hoped that this has been made sufficiently clear for there to be no misunderstanding in the matter in Council and instructions will be issued accordingly to Collectors in the event of the Bill being passed to avoid any misconceptions in the matter.

Maulvi ABDUL HAKIM: I beg to move that the Bengal Agricultural and Sanitary Improvement (Amendment) Bill, 1931, as reported by the Select Committee, be taken into consideration.

The motion was put and agreed to.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

Maulvi ABDUL HAKIM: I beg to move that in clause 1, last line, for the figures "1931" the figures "1932" be substituted.

The primary reason for moving this amendment is that the Bill was introduced in 1931, but as it has been carried over to 1932, this amendment is necessary.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 1, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that clause 2 (*ii*) (*b*) be omitted.

The practical result of this provision would be to make the security compulsory and in order to avoid this, I move this amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment. I am surprised that an amendment of this character should come from a gentleman of the mover's experience and knowledge of the working of local bodies. It is a matter of common knowledge that the local bodies do suffer from considerable disadvantages in putting in security even if they would like to do so, because there is no such permissive provision in the Local Self-Government Act; by introducing this change, I think distinct improvement has been achieved. In view of this, I hope the hon'ble mover will withdraw his amendment.

The motion of Babu Kishori Mohan Chaudhuri was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill

The motion was put and agreed to.

Preamble.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

Maulvi ABDUL HAKIM: I beg to move that the Bengal Agricultural and Sanitary Improvement (Amendment) Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1931.

The Hon'ble Sir B. B. GHOSE: I beg to present the report of the Select Committee on the Bengal Patni Taluks Regulation (Amendment) Bill, 1931, by Babu Kishori Mohan Chaudhuri.

The only thing I have to say is that the Bill, as introduced, has been altered entirely.

2-45 p.m.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that the Bengal Patni Taluks Regulation (Amendment) Bill, 1931, as reported by the Select Committee, be taken into consideration.

Sir, the only real change that is sought to be introduced by this Bill is that one may deposit the purchase-money after the sale and thus save the property. Those who under the Patni Taluks Regulation (section 3) are entitled to deposit the money before sale are to be allowed to deposit the money after the sale and thus save the property. I submit for the consideration of the House that no special privilege is asked for. The only thing that is asked for is that the privilege which is now enjoyed by *patnidars* and *dar-patnidars* is going to be extended even after the sale, so that the property may be saved after sale. There can be no difficulty on any side; the *zamindar* can have no objection as he can draw the amount of rent. If a man applies to set aside the sale, he shall have to deposit the full amount, so the *zamindar* is not really affected. In this time of economic distress I desire to give some relief to *patnidars* and *dar-patnidars*. This privilege, I submit, has been extended to almost all except the Government estates. In view of these observations, I hope the Bill will be passed by the Council.

The Hon'ble Sir B. B. GHOSE: Sir, although sympathising with the object of the Bill, I have to oppose it, and I have to do so mainly on the grounds which were recorded by Sir Provash Chunder Mitter in his Minute of Dissent. I may, for the benefit of the House, read a portion of the reasons given by him. What he said is this: "Subject to certain safeguards we think there would be no objection to giving relief to *patnidars* whose tenures are sold under the regulation by enabling them to set aside the sale on payment of compensation, but in a matter like this it is best that the legislation should be undertaken by Government after consulting the public and specially the interested parties and the officials who have to administer the regulation. It would also have to be considered whether it might not be more satisfactory to give the power of setting aside the sale on payment of compensation to the civil court. This might minimise the chances of further litigation, relieve the Collector of the onus of deciding questions which may sometimes be complicated and bring the matter into line with the procedure in the Bengal Tenancy Act, 1885, and the Code of Civil Procedure, 1908. Further, if that were done, it might be possible to give relief to other persons whose interests are really affected by the sale. For the reasons given above, we regret we are unable to accept the Bill as drafted, but we are prepared to recommend that Government should themselves undertake legislation to introduce the principle of giving relief to *patnidars* whose *taluks* are sold under the regulation subject to such safeguards as may be found desirable."

I may add that the Collectors have no machinery for deciding questions of dispute and in cases where the Collector either sets aside or refuses to set aside a sale, there is no right of appeal as is given in the Bengal Tenancy Act and the Civil Procedure Code. Under both these Acts if any person objects to the sale being set aside on depositing the purchase money on any ground whatsoever, a miscellaneous case is started and from the decision of the court an appeal is allowed both under the Tenancy Act and the Civil Procedure Code, but under the *patni* regulation the Collector will have to decide the dispute finally. Probably the aggrieved party will have no right of suit in this matter. There may be a right of revision, according to the regulations, by the Commissioner or the Board of Revenue. That certainly, Sir, would give inadequate relief to the person who is aggrieved by the Collector's order.

There is another question which may be remembered. In the case of a *patni* sale the purchaser on depositing the money within eight days of the sale, acquires an absolute right to the property. There is no question of confirmation of the sale as in the case of the Civil Procedure Code or the Bengal Tenancy Act. As soon as the *patnidar* deposits the money, he has got an absolute right to the property and if the property is a desirable one, he may take objection to the right of the person to make the deposit. But if this provision be inserted in its present form, it will start difficulties and will lead to litigation. Therefore, I submit that the House will consider whether it is proper to consent to the Bill or to take into consideration all the difficulties that may arise with regard to the regulation. The regulation is a very old one—it is now more than about 120 years old—and to go on tinkering with it by inserting these little provisions may raise unforeseen difficulties, some of which I have indicated. I submit, therefore, that if the mover prefers that the Government should introduce a Bill after taking the opinion of all the persons concerned, *zamindars*, collectors, and all other people who have to deal with the regulation, then Government would be prepared to introduce such a Bill. The regulation being rather a complicated one, it is undesirable to interfere with it in this way. As the members will have seen, the original Bill has been absolutely changed if they will only look to the provisions inserted by the Select Committee. The Select Committee could not reproduce the Bill in another form but amended it as far as they could. Even as it is, as I have already pointed out, there are difficulties in accepting the Bill. With these few words, I would oppose the motion.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, will the Hon'ble Member kindly state when Government will be able to introduce legislation on the lines indicated by Government?

The Hon'ble Sir B. B. GHOSE: Sir it is very difficult to say exactly when Government will be able to introduce the Bill. It may be next year, but I think we may be able to introduce such a Bill next session.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I rise to say a few words in support of the motion of Babu Kishori Mohan Chaudhuri. It is very difficult to understand the attitude of Government with regard to this matter. The Hon'ble Member-in-charge has assured us that he is in sympathy with the object of the mover, but at the same time his sympathy is only manifested in pointing out or raising all sorts of difficulties which, I submit, would not bear much examination. Well, Sir, my friend, Babu Hem Chandra Roy Choudhuri, brought forward a resolution with regard to this matter and then the Hon'ble Member-in-charge, Sir P. C. Mitter, put forth a most stubborn opposition to it, and it was lost. Subsequently, Babu Kishori Mohan Chaudhuri introduced this Bill, when objections like these were never thought of and the Bill was referred to a Select Committee. If these objections were raised at that time, possibly they might have been remedied in the Select Committee. Now that the Select Committee has made its report, we are told that there are enormous difficulties on account of which Government objects to it. I submit, Sir, that this does not speak of much sympathy with the measure. I may tell you, Sir, that the matter is of very great urgency at the present moment, in view of the economic distress when *zamindars*, *patnidars*, *raiyats* and everybody are feeling the greatest difficulty in meeting their obligations; in raising their revenue, Government have shown a considerable amount of generosity to the *zamindars* in the matter of defaults of payment of rent. The *zamindars* are themselves in difficulty, because they cannot realise the rent from the *raiyats*. But so far as the *patni* rent is concerned, there is no relief whatsoever. Well, I cannot understand this anomaly and the attitude of Government tending towards the perpetuation of this anomaly. The matter is of great urgency at the present moment, because if the law is not passed at this session, I may tell the House that a large number of *patni taluks* will be sold. Well, Sir, on the 1st of *Jaith* the rent of *patni taluks* will have to be paid. Therefore I would ask the Council to pass the Bill as it is and not to be frightened by the difficulties which have been raised by the Hon'ble Member-in-charge which, I am afraid, have been exaggerated. The revisional powers of the Commissioner and of the Board of Revenue are admitted. When there has been a sale which is irregular and which is liable to be set aside, there is the civil court. Under these circumstances, if a person's *taluk* is improperly sold, a *patnidar* is not altogether without remedy. On the contrary, if he is a *zamindar* and the sale is set aside, he loses nothing as he gets the rent and the purchaser also gets the

money. Then where is the loss? I fail to see why the Hon'ble Member-in-charge should be so anxious to sympathise with a person who has bought the *taluk* for a song.

3 p.m.

There is absolutely no reason why this Bill should not be taken into consideration. Then other difficulties have been pointed out: the Bill has not got the necessary provisions to complete the amendment which has now been brought forward. Well, if that is so, it is up to the Legislative Department to find out anomalies, make any corrections that have to be made, and bring forward a further amending Bill in the next session. Nothing will be lost by this. Government have got the power to introduce a further amending Bill to give effect to further corrections. So that is no reason why this Bill should be thrown out, absolutely no reason why the present Bill should be delayed any longer. After the matter has been discussed and reported upon by the Select Committee, it is up to us now to pass it.

Mr. NARENDRA KUMAR BASU: Sir, I rise to support the motion of my friend Babu Kishori Mohan Chaudhuri. As regards the suggestion that the Bill has been amended out of recognition by the Select Committee, I submit that it is more or less a matter of form—bringing the Bill into conformity with the regulation. If you will read clause 2, as drafted by Kishori Babu (it is printed in italics), and clause 2, as framed by the Select Committee (which is underlined), you will find that whereas the original Bill was not drafted with special reference to the language of the regulation, the Select Committee's draft gives the section in conformity with the language of the regulation. The only thing that has been done is that proper form has been given to the section by the Select Committee, but the main idea is there. What the Bill was intended to do has not been changed. The original intention is unchanged. It is only, as I say, proper form has been given to the Bill by the Select Committee. We have all heard of Government's sympathy and their intention to introduce a Bill may be, next session, but we have waited for 120 years for this measure——

The Hon'ble Sir B. B. GHOSE: Nobody complained.

Mr. NARENDRA KUMAR BASU: Well, if the Revenue Member says that nobody complained, I stand defeated; I have nothing more to say on that point, but, as a matter of fact, in Bengal every other person whose property is sold, whether under a decree under the Civil Procedure

Code or for arrears of rent under the Bengal Tenancy Act, has the right to have the sale set aside by making a deposit; why that right should be taken away from the *patnidar*, I cannot see. I see the inequity of the thing; while every other person whose property has been sold can have the sale set aside, this *patnidar* alone is exempted. Even in the case of a public demand where a person's property is sold, the certificate-debtor has the right of having the sale set aside on depositing the debts. Then we are told that the Collector has not the machinery to work the provisions of this Bill. I am simply astonished to hear such a remark from the Revenue Member. Well, the Collector has the machinery to hold the sale, but no machinery to decide summarily whether the sale should be set aside on the payment of the demand. I do not think any more machinery is needed for the Collector to decide whether a person is entitled to pay the money or not, and the way in which Government is now anxious to secure the right of appeal in every small case, is rather refreshing. We have heard so long about the multifariousness of appeals, both first and second appeals, in this country and how the right of appeal is misused to protect litigation. We are now told that the Government is anxious to provide for an appeal in these cases even though there is the right of revision by the Commissioner and by the Board of Revenue. They are anxious to give a right of appeal where the *patni* sale is set aside.

The Hon'ble Sir B. B. GHOSE: Also where the sale is not set aside.

Mr. NARENDRA KUMAR BASU: Even if that be so, then there can really be a second appeal up to the Board and then there is the civil court. But the anxiety of the Government benches in opposing this is not very edifying, and I beg that the House will take proper notice of it. I submit that there is no ground for rejecting this motion.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I have every sympathy with the mover of the motion in dealing with this question, but the question is whether it is desirable to have brought this motion forward at this present time.

This regulation has been in force for more than 100 years without any amendment, and if we have waited for 100 years and more, I do not see why we should not wait for a few months more. This question should be thrice considered before we should venture to amend a few clauses suggested by the mover. It cannot be denied that there are various sections in the regulation which require immediate amendment.

What I wish to bring to the notice of this House is that my friend Babu Kishori Mohan Chaudhuri has brought forward the amendment of a particular section only leaving other sections untouched. He has himself admitted that there are other sections too which require amendments both for the sake of the *patnidar* and the *zamindar* as well. Now if that be so and in the face of the assurance of the Hon'ble the Revenue Member, that he will bring an amended Bill shortly, I think the best course will be to wait a few months more. As a matter of fact, this regulation was passed with the object of giving facilities to the *zamindars* for the punctual payment of rent, and in return to provide certain concessions to the *patnidars*. So both the aspects should be looked into. It would be an injustice if the question be dealt with one aspect only, neglecting the other side. For example, the law provides for the sale of the holding in default of the payment of rent. But in practice we find that the sale has always been set aside owing to some technical difficulties in the section. Thus the amendment of this section in particular is badly required. I find from the speeches of some of the hon'ble members that they want to impress on this House that this Bill is really a fight between the landlord and tenant. I should say at the very outset that is not so. It is not a fight but a mutual agreement between landlords and landlords; nothing to do with the tenants. Sir, as you know, every *zamindar* is a *patnidar* under a brother *zamindar*, a landlord pays both revenue to Government and rent to fellow *zamindar*. One is both landlord and a big *patni* tenant. Thus it will be a mistake to think that if the Bill be passed, it will affect one section at the cost of the other. Thus you see it is mutual agreement to satisfy landlord as a class; it has no concern with ordinary tenants. Dr. Naresh Chandra Sen Gupta has accused the *zamindars* of not giving relief to the tenants—

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. I have not accused any *zamindar* in my speech.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: I am glad he did not mean it. However, I beg to say for his information that *zamindars* have given relief in most of the *pattani* suits under this regulation. There are instances where they have withdrawn cases after receiving a part payment. Has he cared to ascertain this fact? I request him to do so. With these words, I beg to oppose this motion.

The following motions were called but not moved:—

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur, to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st March, 1932.

MUNINDRA DEB RAI MAHASAI to move that the Bill be re-committed to a Select Committee consisting of—

the Hon'ble Member in charge of the Revenue Department;

Mr. H. C. V. Philpot;

Babu Jatindra Nath Basu;

Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;

Mr. Sarat Kumar Roy;

the Hon'ble Mr. Bijoy Prasad Singh Roy;

Babu Kishori Mohan Chaudhuri;

Maulvi Syed Jalaluddin Hashemy;

Mr. Khwaja Sala-ud-din;

Mr. Altaf Ali;

Maharaja Jagadish Nath Ray, of Dinajpur;

Maharaja Sris Chandra Nandy, of Kasimbazar;

Mr. Surendra Nath Law;

Kumar Shib Shekhareswar Ray; and

the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be recommitted to a Select Committee consisting of the members of the former Select Committee and four other additional members, namely:—

Maulvi Abdus Samad;

Kazi Emdadul Hoque;

Maulvi Hassan Ali; and

Maulvi Syed Jalaluddin Hashemy,

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The motion that the Bengal Patni Taluks Regulation (Amendment) Bill, 1931, as reported by the Select Committee, be taken into consideration was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Barma, Rai Sahib Panchanan.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharraf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maiti, Mr. R.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Surat Chandra.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Raikat, Mr. Prosanna Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hooseni.
Roy, Babu Satyendra Nath.
Roy Choudhuri, Babu Hem Chandra.
Sandatullah, Maulvi Muhammad.
Salauddin, Mr. Khwaja.
Samad, Maulvi Abdus.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Nebati Mohan.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Solaiman, Maulvi Muhammad.

NOES.

Austin, Mr. J. M.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Bartley, Mr. C.
Basir Uddin, Khan Sahib Maulvi Mohammad.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Nural, Babu Gokul Chand.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. S.
Dain, Mr. S. R.
Das, Rai Bahadur Satyendra Kumar.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sunil Kumar.
Ghose, Rai Bahadur Saseuka Comar.
Ghose, the Hon'ble Sir B. S.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Law, Mr. Surendra Nath.
Marr, the Hon'ble Mr. A.
Mason, Mr. G. A.
Miller, Mr. C. C.
Mittra, Babu Surat Chandra.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Rai Mahasai, Munindra Deb.
Roy, Mr. Saileswar Singh.
Roy, Mr. Surat Kumar.
Ray, the Hon'ble Mr. Bijoy Prasad Singh.
Sen, Rai Sahib Akshoy Kumar.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sumner, Mr. C. R.
Travers, Sir Lancelot.
Wilkinson, Mr. H. R.

The Ayes being 45 and the Noes 44, the motion was carried.

3-15 p.m.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 1, line 2, for the figures "1931" the figures "1932" shall be substitued.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 1, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

I will ask the Raja Bahadur to move all his amendments and make one speech on them. Of course I will put them separately.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: In obedience to the decision of the Chair, I beg to move the following amendments:—

(*i*) that in clause 2 in proposed section 14A, clause First, lines 1 and 2, after the words "defaulting talukdar" and in lines 2 and 3, after the words "the defaulting holder of a tenure saleable under this regulation" and in line 3, after the words "any talukdar of the second degree" the following be inserted, namely:

"whose name has been duly recorded as such in the office of his superior landlord."

(*ii*) that in clause 2 in proposed section 14A, clause First, sub-clause (*b*) in line 3, after the word "interest" the following be inserted, namely:—

"at the rate stipulated in the *patni* agreement."

(*iii*) that in clause 2 in proposed section 14A, clause First, the word "and" at the end of sub-clause (*b*) shall be omitted, and after sub-clause (*c*) the following shall be inserted, namely:—

"and (*d*) a sum of money equal to the rent and cesses which may have fallen due to the zamindar together with interest at the rate stipulated in the *patni* regulation for the period intervening between the period covered by the petition for sale and the date of confirmation of the sale."

(*iv*) that in clause 2 to proposed section 14A the following proviso be added, namely:—

"Provided that nothing in the section shall prevent the *zamindar* from withdrawing his dues out of the sale-proceeds of the defaulting tenure before one month after the sale had expired and in case the zamindar makes such withdrawal the amount payable to him under sub-clause (*b*) of clause *First* of section 14A shall be paid to the purchaser."

Sir with regard to the first amendment, the Bill provides that *talukdars* of the first or the second degree may deposit the money. But, Sir, it will be difficult for the Collector to decide whether the depositor is the *talukdar* of the first or of the second degree, until and unless there is anything to show in the paper that they are *patnidars* or the *dar-patnidars*. To satisfy the Collector, I suggest that their names should be recorded in the *sherista* of the superior landlords. There is no difficulty to have the mutation done. It is not a new procedure that I am suggesting now, but the law is there. According to the *patni* regulation, the mutation should be done and the law provided it. There is no option either on the part of landlords or of *patnidars*. The law is very clear to this point. As for *dar-patnidars* or *talukdars* of the second degree, the mutation can be done easily. The Bengal Tenancy Amendment Act provides for it.

The receipt of landlord's fees remitted to the superior landlord will, I think, suffice for the purpose, otherwise, there will be more complications. A serious issue will be raised as to if the deposits are made by the *bona fide* party or not. The result will be that the sale will not be set aside immediately but will take three or four years to decide the issue and the money which has been deposited by the purchaser, will lie without earning any interest. The consequence will be that the purchaser will suffer at the end. Thus the tenure will have to be sold perhaps at a very low price as *bona fide* purchaser will never venture or come forward to take this risk of keeping big sum indefinitely without profit and only the speculators will come. This is dangerous.

With regard to the second amendment, the word "interest" is of course there, but in order to make it more clear, so that there may be no ambiguity, I have suggested an amendment adding a few words more.

As regards the reason of my third amendment, I beg to say that in cases where the *patni* is sold for a lesser amount than the market demand, this clause will act as a safeguard. As a matter of fact, any other person, after the sale is over, can deposit the amount, and

in that case, after the sale is set aside, the *zamindar* will get not the whole of the money but a part of it. He will have to go again to the civil court for the recovery of the remaining dues. This will involve trouble and costs.

With regard to the last amendment, I beg to say that in any case the *zamindar* will get his dues whether the sale is set aside or confirmed. Therefore, there is no use to prevent the *zamindar* from doing so.

With these few words, Sir, I beg to move my amendments.

Babu KISHORI MOHAN CHAUDHURI: Sir, at present the *patnidar* and the *dar-patnidar* enjoy the right of payment before sale, and the question whether they are recorded or unrecorded is not taken into consideration. If he can prove that he is a *patnidar*, he gets the right and the Collector decides it. The same thing can be done by the Collector here and there is no necessity for the applicants being recorded. This has been the practice for the last 120 years, and I do not see why there should be a departure from that. The *dar-patnidar* cannot be recorded in any case. So, I think, the first amendment is quite unnecessary.

As regards the second amendment of the Raja Bahadur, it is not a matter of very serious importance. I, however, think that the words are unnecessary, though there is no serious objection to them. The ordinary law of imposing interest on arrears of rent is quite enough.

As regards the third amendment, a decree is passed for the amount due subsequent to the date of sale. The civil court passes a decree and upon that decree a payment is made. The Collector cannot pass a decree for a subsequent amount of rent. If there is no decree, a suit is to be instituted. Application for sale is made by the 1st of *Baisakh*; the sale is held on the 1st of *Jaistha*. Under the present arrangement, there is no question of rent for the intervening period, that is, for the month of *Baisakh*. So when a payment is to be made for setting aside a sale, there is no necessity for ascertaining the amount due to the *zamindar* then. Moreover, the Collector has not got the power to pass a decree. Under the circumstances, I cannot accept this amendment.

As regards the last amendment, in applying for setting aside a sale, the full amount for which the property has been put up for sale shall be deposited. The *zamindar* can draw the amount due to him on proper application for safeguarding the purchasers. On this ground, it seems that this amendment is unnecessary.

I oppose all the amendments.

3-30 p.m.

Babu HEM CHANDRA ROY CHOUDHURI: I rise to oppose the amendments moved by the Raja Bahadur. If amendment (*i*) be accepted, the main object with which this Bill has been introduced will be frustrated, because the main object of getting this Bill passed into law is that facilities be given to the defaulting *patnidars* and inferior *talukdars* for setting aside the sale by depositing the claim of the *zamindar* and compensation to the purchaser after the sale is held. This amendment contemplates that those defaulting *talukdars* and inferior *talukdars* whose names are not registered in the *sheristo* of the superior landlords will not be able to set aside the sale by depositing the claim. What is the existing position? At present, Sir, before a sale is held, any defaulting *talukdar*, whether his name be registered or not, or any inferior *talukdar* of the second degree, may deposit the claim of the *zamindar* and set aside the sale. I refer to section 13 of the Patni Sale Law. It runs thus—

"Whenever the tenure of a *talukdar* of the first degree may be advertised for sale in the manner required by the second and third clauses of section 8 of this regulation, for arrears of rent due to the *zamindar*, the *talukdars* of the second degree or any number of them shall be entitled to stay the final sale, by paying into court the amount of balance that may be declared due by the person attending on the part of the *zamindar* on the day appointed....."

Hence there is no bar to his depositing the claim, whether his name be registered or not. You are aware, Sir, that under the present regulation there are some conditions of giving security, etc., which are required to be fulfilled before the name of a *patnidar* may be registered in the *sheristo* of the *zamindar*, which often depends upon the good will of their officers. As regards the registration of the name of a *talukdar* of the second degree, some formalities are also to be observed and if this clause be added, practically most of the defaulting *talukdars* and *talukdars* of the second degree will not be able to save their properties by depositing the claims of the *zamindars*.

Now, Sir, the Hon'ble Member in opposing the introduction of the Bill has told us that the Collector has not got sufficient machinery to look into all these things. If this clause be added, it will considerably increase the work of the Collector for he will have to take evidence whether the defaulting *talukdar* or a *talukdar* of the second degree has got his name registered in the *sheristo* of his superior landlord. Hence litigation will increase a great deal. I therefore, for the sake of justice and for giving sufficient relief to the *talukdars*, as is intended by the mover of the Bill, think that this amendment should be opposed.

As regards (*ii*), I think the Raja Bahadur has brought forward this amendment under the apprehension that the *zamindars* will not get the interest at the rate stipulated in the agreement, because under the amended Bengal Tenancy Act *zamindars* or landlords cannot get interest at a higher rate than 12½ per cent. Now it is not yet decided whether the *zamindars* will get an interest at a higher rate than that provided in the Bengal Tenancy Act, that is to say, whether the Patni Regulation will supersede the provisions of the Bengal Tenancy Act in the matter has not yet been decided by any proper court. So I think the Raja Bahadur has brought forward this amendment under a misapprehension. But the words that now stand in the Bill are "legal interest." If the *zamindars* be legally entitled to get an interest at the rate stipulated in the *patni* agreement, the words "legal interest" will not stand in their way. Hence we need not add any clause which may entitle the *zamindars* anything more than what is provided by the existing law, because if the *zamindar* is entitled to get any interest at the rate stipulated in the *patni* agreement, I think there is no bar to his getting that interest, if the word "interest" is only put there; no new clause, therefore, need be added.

Then as regards amendment No. (*iii*), this is a most inequitous provision, because the Raja Bahadur wants to get something which is not covered by the decree, as it were. Previous speakers have spoken on this and I have nothing more to add except that even in the case of a decree under the Bengal Tenancy Act or a decree under the Civil Procedure Code or a decree under the Public Demands Recovery Act a decree-holder cannot get more than the amount of interest mentioned in the decree. Even in revenue sales, Government cannot claim more than what is their demand. Hence I think in this case also *zamindars* cannot claim more than the amount for which the sale has been held.

Then as regards amendment No. (*iv*), I have nothing more to add to what has already been said by the previous speakers.

The Hon'ble Sir B. B. GHOSE: I oppose all the amendments.

Amendment (*i*) really takes away what is intended to be given by this Bill, because everybody knows that very few *patnidars* have their names registered. It is well known that in all notices for *patni* sales the names of the original grantees are given, but it has been held that the proceedings under the *patni* law are against the properties and not against persons. So, if the amendment be accepted, the result will be that the benefit which is sought to be conferred on the *patnidar* will be almost negatived, because very few *patnidars* have their names registered.

With regard to amendment (*ii*), I have only to point out that section 17, clause 3, of the regulation says that the *zamindar* is to get

interest on the sum for which the sale has been made. It is not necessary to state what the rate of interest should be. If there is an agreement in the *patni kabuliyat* as regards the rate of interest, it is unnecessary to state anything about it, because that would undoubtedly be payable. If, as a matter of course, there is no such stipulation, the court will fix it in accordance with the provisions of section 17 (3) as has been pointed out by the previous speaker.

With regard to amendment (*iii*) also, the difficulty is as follows: The amendment runs thus: "together with interest at the rate stipulated in the *patni* regulation for the period intervening between the period covered by the petition for sale and the date of confirmation of the sale."

As a matter of fact, no rate is stipulated in the *patni* regulation. Probably the Raja Bahadur meant "*patni* agreement." My objection is that there is no date fixed for the confirmation of the sale under the *patni* regulation. According to this Bill, the purchaser would get a certificate only after the expiry of 30 days, but the sale takes effect when he pays the money, that is, after 8 days from the sale. That sale should be set aside, according to this Bill, if the money is paid within 30 days, and if the sale is set aside, confirmation of the sale will naturally never occur. So there is objection from every point of view to this amendment.

The main objection with regard to the other point that similar to the provision of section 169 of the Bengal Tenancy Act the *zamindar* may get his subsequent dues, is that it is against the spirit of the *patni* regulation. Under the *patni* regulation when the sale is held on the 1st of *Jeyt*, the purchaser is liable for rent for the period from *Baisakh* previous and not the outgoing defaulter. Under the Bengal Tenancy Act the defaulter is liable for rent till the confirmation of the sale, but under the *patni* regulation the defaulter is not personally liable after the sale. This would introduce a radical change in the principle of *patni* law.

With regard to amendment (*iv*), it may be of some advantage to the *zamindars*, but it will mean more work for the Collector and there may be introduced an anomalous position. Suppose a property is sold for less than what is due to the *zamindar*; the *zamindar* takes away the money, but according to the amendment the money deposited by the defaulting *patnidar* including the arrears due, will be paid to the purchaser. Let me put it in this way. For instance, the sale-proceeds of a property are say, Rs. 20 and the *zamindar's* dues are Rs. 40; then if the *zamindar* takes away the Rs. 20, the applicant will still have to pay Rs. 40, and the whole of this Rs. 40 will go to the purchaser, whereas the purchaser paid only Rs. 20 for the property. This is an anomaly which the Raja Bahadur had evidently overlooked. On these grounds I oppose all his amendments.

The motions of Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, were then put separately and lost.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Preamble.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that the Bengal Patni Taluks Regulation (Amendment) Bill, as settled in Council, be passed.

The Hon'ble Sir B. B. GHOSE: I beg to oppose the motion. I have stated the reasons why Government choose to oppose it and I do not think I should add anything more. There is an idea that Government have been opposing it out of consideration for the purchasers. That is absolutely wrong, because what the Government think is that the provisions of the Bill would be very difficult to work and it would only increase litigation between the purchaser and the person who thinks he has got a right to the *patni*. What I suggest is that let Government introduce a Bill and then all these things can be considered more fully than was done in connection with this Bill. On that ground I oppose the Bill.

Dr. NARESH CHANDRA SEN GUPTA: I support the motion of Babu Kishori Mohan Chaudhuri. The Hon'ble Member on behalf of Government has told us that it would give rise to litigation. On the contrary, Sir, it will, as a matter of fact, prevent a lot of litigation. The Raja Bahadur of Nashipur informed this House that about 90 per cent. of the *patni* sales are set aside by means of litigation. I told this House once before of a litigation with which the Raja Bahadur and other members of this House are familiar—a protracted litigation—which was made possible because of the absence of a

provision like this. Sir, in a *patni* sale as soon as the hammer is down there is no remedy for the *patni* tenants. The only remedy for him is to go to court. When he goes to court, there is protracted litigation. The provision of a summary power to set aside the sale is directed towards preventing litigation, the effect of which both *zamindars* and *patnidars* feel very much alike. There have been litigations which have lasted for years costing any amount of money which is not commensurate with the value of the *patni*, because once you go into litigation, expenditure becomes a matter of no consideration. It is to prevent litigation that this Bill has been introduced, and yet the Government Member instead of accepting it is trying to draw a red herring across the path by saying that it does not provide for interminable appeals while in the same breath he says that it will increase litigation. I am afraid, I cannot understand this attitude.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to support this Bill and I say that this Bill ought to be welcome even to the *zamindars*. What the *zamindars* nowadays want is not acquisition of properties of which they have bitter experience, but ready money; and I think that by this Bill more money will be coming in to fill their depleted coffers. Then, Sir, I think that this will be the thin end of the wedge. If this Bill is passed, then the Revenue Sale Law will have to be amended so as to give the *zamindars* the power to deposit money after one month from the date of the sale. That will give them enough time. So I submit that even from the point of view of *zamindars* it would be a welcome change, and I hope that the Raja Bahadur and his party will support it.

Babu KHETTER MOHAN RAY: Mr. President, Sir, I also support this Bill. The provision which is going to be introduced by the Bill will not only benefit the tenants but also the *zamindars*. Nowadays there is invariably litigation to set aside *patni* sales which are very often set aside by the civil courts. In such cases the *zamindars* are saddled with costs of the *patnidars* and the purchasers. Moreover the zamindars have to pay compensation to the purchasers in the shape of interest on purchase money. Sir, if there is a summary procedure, as suggested in the Bill, for setting aside the sale, the cost of litigation will be avoided and it will give relief to the tenants and *zamindars* alike.

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Sir, I have already said, the *zamindars* as a class welcome this Bill. What I mean to say is that we do not want a piece-meal legislation like the present one. I have wanted to impress upon the mover the necessity of examining the whole Bill with a view to finding out what

further amendments should be made. But I am sorry I have failed to do so. He is very anxious to see that this Bill be passed without looking into the question in the wider sense. This is most regrettable. We, *zamindars*, do not want to oppose the Bill, but as there are other sections of the Act which require immediate amendment as the Hon'ble Member of Revenue has assured the House that he will bring a fresh Bill touching all the aspects of the question, I think I cannot reasonably ask the House to pass the Bill at this stage. I would be guilty if I do not appeal to have the Bill deferred for further consideration for bringing it in a large form dealing with all measures affecting the interest of both *zamindars* and *patnidars*. With these few words I beg to oppose the passing of the Bill.

The Hon'ble Sir B. B. GHOSE: As I have already said, Government is willing to undertake legislation on these lines in order to bring it in conformity with the other provisions of the regulation. The whole of the regulation requires revision.

Babu KISHORI MOHAN CHAUDHURI: That can be done by moving separate amendments.

The Hon'ble Sir B. B. GHOSE: That would be absolutely unsuitable, because if you once pass an Act and go on amending it, it will be absolutely useless. In this case the real point is that this Bill would create difficulties, if adopted.

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. Is the hon'ble member entitled to speak again?

Mr. PRESIDENT: Yes.

The motion that the Bengal Patni Taluks Regulation (Amendment) Bill, as settled in Council, be passed was then put and a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Rural Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Rahim, Maulvi Abdul.
Rashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maiti, Mr. R.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.

Rahman, Mr. A. F. M. Abdur-
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hooni.
Roy, Babu Satyendra Nath.
Ray Choudhuri, Babu Hem Chandra.
Saadatullah, Maulvi Muhammad.
Salauddin, Mr. Khwaja.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Solaiman, Maulvi Muhammad.

NOES.

Ali, Mr. Altaf.
Bartley, Mr. C.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Burai, Babu Gokul Chand.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Das, Rai Bahadur Kamini Kumar.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Sunil Kumar.
Ghose, Rai Bahadur Sasanka Comar.
Ghose, the Hon'ble Sir S. C.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Hussain, Maulvi Latafat.
Kerr, Mr. W. J.
Khan, Maulvi Amin-ur-Zaman.
Law, Mr. Surendra Nath.
Marr, the Hon'ble Mr. A.
Miller, Mr. C. C.
Mittra, Babu Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Babu Suk Lal.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Rai Mahasai, Munindra Deb.
Ray, Mr. Shanti Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarker, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sumner, Mr. C. R.
Wilkinson, Mr. H. R.

The Ayes being 40 and the Noes 46, the motion was lost.

[At 4 p.m. the Council was adjournment for prayer and it reassembled at 4-15 p.m.]

The Bengal Cattle Bill, 1931.

MUNINDRA DEB RAI MAHASAI: I beg to move that the Bengal Cattle Bill, 1931, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of the Agriculture and Industries Department,

(*2*) Mr. L. R. Fawcus,

(*3*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,

(*4*) Mr. Sarat Kumar Roy,

(*5*) Maulvi Abdul Hakim,

(*6*) Maulvi Syed Jalaluddin Hashemy.

(7) Maulvi Abdus Samad,

(8) Haji Badi Ahmed Chowdhury,

(9) Babu Suk Lal Nag,

(10) Mr. Narendra Kumar Basu,

(11) Babu Jitendralal Bannerjee,

(12) Mr. Shanti Shekhareswar Ray, and

(13) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. President, Sir, this Bill was introduced in the last February session of the Council when it was decided to circulate it for eliciting public opinion thereon. Out of the 122 opinions received, 109 were in favour of the Bill, 5 offered suggestions only and 8 opposed it. Of the 4 opinions received from Muhammadan associations, 3 were in favour of the Bill. Ten out of 11 Muhammadan gentlemen in their capacity as chairmen or vice-chairmen of district boards or chairmen of municipalities supported the Bill. This clearly indicated that the majority of public opinion was overwhelmingly in favour of the Bill. The object of the Bill is the maintenance of stud bulls which are essential for good breed of cattle. All of us, both Hindus and Muhammadans, are vitally interested in improving the cattle wealth of the province. The deterioration of cattle in Bengal is affecting the agriculture of the country and is one of the serious problems which confronted us at the present moment and required early solution. Besides agriculture, there is another matter which is equally important. Modern scientists are of opinion that good breed helps to improve the quality and quantity of milk. Milk and milk-products form the only nutritive food of the people, but how many of them can afford to use these costly commodities? It was, therefore, no wonder that the vitality of the average Bengalee should be very low and their death-rate very high, the death-rate of women and children being the highest on record in any country in the world. Abundant supply of milk was, therefore, essential for our very existence. If we want to exist as a nation, infant mortality must be brought under control and the mothers should have to be saved by the supply of nutritious food like milk and milk-products. Malnutrition is responsible for the havoc which is being wrought among them by tuberculosis and such other deadly diseases. A moment should not be lost in the early solution of this great problem of problems. Government by public opinion is the motto of parliamentary Government. As public opinion is overwhelmingly in favour of the Bill, its reference to the Select Committee is desirable, where all objections and suggestions will have due consideration.

Maulvi ABDUL HAMID SHAH spoke in Bengali, the English translation of which is as follows:—

"Mr. President, considering its object and necessity, everybody will have sympathy for Rai Mahasai's Bill. But I regret to state that there is no clear provision in the Bill as to how and from where good breeding bulls may be obtained.

Rai Mahasai has mentioned Brahmini and Khodai bulls. But he has overlooked the possibility of any objection being raised by orthodox Hindus and Moslems in allowing bulls dedicated for religious purposes being used for the purpose of good breeding and also in handing them over to local authorities for the same purpose. It is also doubtful whether really strong and healthy types of bulls are available among the Brahmini bulls.

In section 4 of the Bill the punishment for killing Brahmini or Khodai bulls has been proposed to be two years' imprisonment or fine of Rs. 500 or both. It appears to be too heavy a punishment for killing an ordinary beast, particularly so, if we take into consideration the fact that a person may be compelled to kill an infuriated animal for the purpose of self-defence.

It has been suggested in the Bill that when an infuriated bull causes any accident, and it is reported to the local sub-inspector of police or a higher officer, the latter may, after visiting the place of occurrence and if he is convinced of the truth of the incident, destroy the animal.

It might be asked in this connection whether any Hindu officer would agree to the killing of a cow, and when a Moslem officer kills it, whether orthodox Hindu public would support him.

Clause 1 of section 5 does not give the specific number of bulls necessary in any local area for a specific number of cows in the same area. Clause 2 has sought to earmark one-fourth of the revenues received under the Cattle Trespass Act of 1871 for maintaining the breeding bulls. It is likely to be too inadequate. Under these circumstances, I oppose the motion to refer the Bill to the Select Committee."

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: Sir, I have every sympathy with any measure aimed at the maintenance of a sufficient number of stud bulls for breeding purposes.

The existence of the Brahmini and Khodai bulls is due to the custom of dedicating bulls on religious and ceremonial occasions by Hindus and Moslems alike with this object in view. My friend in bringing forward this Bill still shares the view that these bulls are efficient and useful for breeding purposes.

In the first place, Sir, the results of the cattle census show that the number of such bulls is so hopelessly small compared with the cows they have to serve that they are of little value for breeding purposes. Moreover, Sir, it is now universally recognised that in any scheme for the improvement of the breed of cattle, a careful selection of stud bulls is essentially necessary. The Brahmini and Khodai bulls have not been so selected, and they are practically useless for breeding purposes. Doubtless it is a legitimate function of the local bodies to provide for veterinary work and for improving the breed of cattle and any provisions which will bring home to these bodies their responsibility in the matter may be welcomed. But, Sir, I do not see why local bodies which are already handicapped by financial stringency and are hardly in a position to have further responsibilities thrust on them, should be saddled with the cost of maintenance of these inefficient and useless bulls. Another and a serious objection is that while the Bill aims at the protection of these bulls, provision has been made in sub-clause 2, clause 4, of the Bill, empowering police officers of a certain rank to destroy these bulls in certain circumstances. I submit, Sir, that this provision would be most repugnant to the feelings of a large section of the population and already protests have been received from some of the bodies consulted on this account. Moreover, it is likely to lead to a serious difficulty in practice. A Hindu sub-inspector of police might reasonably object to destroy a bull in exercise of the power conferred by this provision, while, if a Moslem sub-inspector were to do so, it might lead to a serious communal disturbance. In these circumstances, I am afraid that the Bill is not only unnecessary but would also prove unworkable, and that it contains certain most objectionable features. I am afraid I do not think that it is possible to improve this Bill by a reference to the Select Committee. In support of my statement, I would mention that a Bill on identical lines and in identical terms (I might say that the present Bill is an exact copy of the previous one) was introduced by Dr. Moreno and did not prove acceptable to the Council even after it had been amended by the Select Committee. In this connection, it may be mentioned that practically every one of the members of the Select Committee wrote a separate note of dissent. That shows that it is practically impossible to improve the Bill to such an extent as it might prove acceptable to a considerable section of this House. In these circumstances, I do not think that the time of the House need be taken up longer by a further reference of the Bill to a Select Committee which would only mean unnecessary waste of public time and money. I trust, therefore, that the House will not agree to the motion to refer it to a Select Committee and on behalf of Government I oppose the motion.

Dr. NARESH CHANDRA SEN GUPTA: I was listening very carefully to the Hon'ble Minister with the hope of ascertaining from

his speech whether Government had any remedy more efficient and more effective than the Bill proposed by my hon'ble friend. But I was disappointed. He has only trotted out a number of difficulties and deficiencies, but such as they are, I do not think they are insurmountable. Such as they are, I think a discussion in Select Committee will be able to find a solution which may be worthy of consideration. The question is whether we accept the principle that some provision ought to be made for stud bulls. The Minister says he is in sympathy with every proposal which seeks to provide for stud bulls. It is perfectly true that the Brahmini or Khodai bulls are not ideal breeders. But what have we got as an alternative? I would be very glad to support the Hon'ble Minister if he came forward with a proposal that Government had a scheme for supplying the whole of the province with proper breeding bulls.

The Hon'ble Nawab K. G. M. FAROQUI, Khan Bahadur: We had a scheme.

Dr. NARESH CHANDRA SEN GUPTA: Yes, Government had a scheme worked experimentally in Malda and Nadia, I believe. It has proved a success. Let the Hon'ble Minister come forward with a definite promise that he will extend that experiment to every district, and I will gladly oppose this Bill. But Government are not going to do that; Government are not going to commit itself to any proposal whatsoever. Well, the question is whether the present Bill does provide anything better than nothing. At the present moment there is no provision whatever for improving the breed of cattle. Is this Bill likely to provide some remedy, or machinery likely to improve the breed of cattle? I think there is in the Bill material which might, after careful consideration, furnish a remedy by which this very important problem in Bengal can be solved. As I pointed out to the House, the people of Bengal spend about a crore of rupees every year in buying cattle from upcountry merchants who come to *melas*. All that money can be saved to the people of Bengal if they can breed their own cattle. They can do so as has been found by experiment in Malda. If Government will go forward to some extent, the position will be somewhat relieved. This Bill furnishes the basis for such discussion, and I am sure that the Select Committee after considering all the information received, will be able to give the Bill a shape which may be expected to be of some use to solve this important problem.

Mr. P. N. GUHA: Sir, Dr. Naresh Chandra Sen Gupta thinks that the reference of the cattle Bill to a Select Committee may do some good to the country. This is exactly the point on which I differ with

Dr. Sen Gupta. Sir, this Bill is almost a word for word copy of the Bill on the subject which Dr. Moreno introduced in a previous term of the Legislative Council and that Bill was referred to a Select Committee in which I had the privilege of sitting. We sat for a number of days and discussed the whole question threadbare and our differences were so acute that almost each of us appended a note of dissent to the report of the Select Committee and ultimately being unable to make any head or tail of the measure, the Council had to drop it. The Bill introduced by Rai Mahasai might have been worth consideration if he had not touched the Khodai and Brahmini bulls. We of the Select Committee on Dr. Moreno's Bill thrashed the question of these bulls for nearly two weeks and found that any reference to them in a legislative measure will place a solid bone of contention between the Hindus and Mussalmans for all times to come. Sir, I do not find any new reason to get over the difficulties that we were confronted with on the previous occasion and I think the present Council will do well to imitate its predecessor and drop the Bill altogether. I appeal to the mover, Rai Mahasai, not to press his motion.

4-15 p.m.

Mr. K. C. RAY CHAUDHURI: May I point out to the House, Sir, that Dr. N. C. Sen Gupta's point is that something is better than nothing? But is he aware of the difficulties prevalent in the district boards and the municipalities? I have experience of at least two municipalities outside Calcutta and of some district boards. I do not see any reason why Rai Mahasai should introduce the question of religion into this matter. All that he should have done is to provide facilities for breeding purposes by stud bulls. But instead of that he has introduced the question of destruction of bulls, which is reprehensible to all Hindu feeling. On that account, Sir, I think, the Bill ought to be thrown out.

Mr. L. R. FAWCUS: Dr. Sen Gupta doubted the ability of Government to extend its Nadia and Malda experiments and undertook to vote against the Bill if we did so.

May I claim that he should fulfil his promise, not because Government is extending the scheme, but because the scheme is extending itself? We have already the first generation of the progeny of the premium bulls in sufficient numbers to ensure that with the co-operation of villagers and of local bodies, the scheme is already in a position to extend itself first to the neighbouring districts and eventually, we hope, throughout Bengal.

Mr. PRESIDENT: I think much time of the Council will be saved if I do not go into the question of the personnel of the proposed committee till the House has decided as to the advisability or otherwise of referring the Bill to the Select Committee.

The motion that the Bengal Cattle Bill, 1931, be referred to a Select Committee was then put and lost.

The Calcutta Municipal (Amendment) Bill, 1931.

MUNINDRA DEB RAI MAHASAI: I beg to move that the Calcutta Municipal (Amendment) Bill, 1931, be referred to a Select Committee consisting of—

the Hon'ble Minister in charge of the Local Self-Government Department;
Mr. C. W. Gurner;
Mr. P. Banerji;
Babu Jitendralal Bannerjee;
Mr. Shanti Shekhareswar Ray;
Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;
Seth Hunuman Prosad Poddar;
Babu Jatindra Nath Basu;
Mr. B. C. Chatterjee;
Mr. Syamaprosad Mookerjee; and
the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. President, Sir, this Bill was introduced in this Council just a year ago and during this period there has been considerable agitation in its favour both in the press and the platform. During the last August session of the Council, the people of Kalighat sent an appeal to all the members of this House setting forth their grievances and I think the members had ample opportunity of being acquainted with the feeling which prevailed in the locality in favour of its separation from Bhowanipore. I, therefore, do not like to tax the patience of the House with a long speech. I should like to submit briefly some relevant points which I have been asked to urge for the consideration of the House. At the outset, I want to make one thing clear over which there is some misconception. I do not want either to increase or decrease the total number of Councillors, but to retain the existing number. I propose only a redistribution in the number and area of a particular ward. The position is this. Ward 22 is a very big ward which

contained two important localities—Bhowanipore and Kalighat—being represented jointly in the Corporation of Calcutta by three Councillors. In the Bill, I have proposed to take out Kalighat from ward 22 and create for it a separate ward to be numbered as 22A and to allot two Councillors for Bhowanipore and one Councillor with separate and exclusive responsibility for Kalighat. I have divided it on the basis of area, population and taxable capacity. The area of Kalighat is 177 acres which is bigger than the area containing each of the wards numbered 10, 11, 16 and 17. The population would be more than each of the wards 12, 16 and 17 and if its floating population be added, the number would exceed some of the other wards. The number of voters of Kalighat was 1,350 which was more than the number of voters in some four or five of the existing wards. The taxable capacity would be better than each of the wards numbered 18, 24, 28, 30 and 31. Besides, Kalighat contributed through its pilgrims an enormous amount of taxes indirectly. These figures, I think, are sufficient to establish Kalighat's claim to have a separate ward of its own.

The area proposed to be included within ward No. 22A consists of Mauza Kalighat, a separate unit of the 24-Parganas Collectorate. In area it is about one-third of ward No. 22.

Kalighat area is almost in its primeval stage as regards civic amenities and the splitting up of ward No. 22 would undoubtedly facilitate administration.

The proposed ward No. 22A contains eight undeveloped big *bustees* and two big areas, condemned by the Corporation itself as tubercular areas. A considerable number of the beggar population are infected with leprosy which has spread among some three dozen families in the locality. Kalighat being a notable place of Hindu pilgrimage, the traffic in the area is as great as in any of the most important parts of the city. Yet, since 1889, the year in which this area was added to the Calcutta Municipality, the authorities could neither improve its *bustees* and tubercular areas nor to tackle with the leprosy problem. It could not provide it with a suitable road approach to the temple of goddess Kali wide enough for such traffic and with foot-paths for the use of pedestrians. The pilgrims generally take shelter in the insanitary *bustees* and whenever there is an influx of pilgrims, epidemic diseases break out first in these *bustees* and spread out all over the city. Owing to congestion of road, street accidents are not uncommon.

The Corporation of Calcutta has failed to supply filtered water in the area for the last ten years and the water of the two tube-wells which they have sunk is not fit for human consumption.

Since 1889 the representatives in the Calcutta Corporation have all along been residents of the area outside the proposed ward No. 22A. It is natural that these gentlemen out of local sympathy could not

administer to the necessities of the proposed ward No. 22A in preference to the needs of their own residential quarters and their adjoining neighbourhoods; and Kalighat area has been left in the lurch since that time.

Some improvements, which are to be found in the precincts of the Kali temple, such as the *dharamsalas* and charitable dispensary etc., are due to the liberality of the Goenkas and other philanthropists and the Corporation cannot claim any credit for them.

The two-third majority of Bhowanipore has all along helped the return of the three Councillors from that locality. They have systematically neglected to look after the interest of Kalighat. If the ratepayers approached one Councillor for redress of their grievances, they are asked to go to the other two and each one did the same thing and they were driven from post to pillar. Theirs had been a cry in the wilderness since its incorporation with the Calcutta Corporation since 1889.

You will, I think, all agree with me when I say that divided responsibility is no responsibility. The people of Kalighat are anxious to make one Councillor responsible for their area and I think it to be a reasonable demand worth the most careful consideration of this House. I should like to submit that ward 22 is a big area and has got to be divided sooner or later. Why not do it now? The people wants it and it would undoubtedly be a popular measure and may prove beneficial to the locality.

With these observations I commend my motion for the reference of the Bill to a Select Committee.

Mr. P. N. CUHA: Sir, may I move an amendment at short notice to the effect that the Bill be circulated for public opinion, specially of the Calcutta Corporation?

Mr. PRESIDENT: I have already received a short notice amendment to that effect. It does not matter who moves it and so you may.

Mr. P. N. CUHA: I beg to move that the Bill be re-circulated for eliciting opinion thereon, especially the considered opinion of the Corporation of Calcutta, by the last day of May, 1932.

Sir, under section 483 (*1*) of the Calcutta Municipal Act, the Corporation can, if it so desires, request the Local Government to rearrange the boundaries of the wards. The power is there and Rai Mahasai can easily influence the Corporation to exercise that power. Consideration of this matter in the Council would mean undue interference to the powers and privileges of the only autonomous institution that we have yet got in India. Running to the Government over the head of the Calcutta Corporation would be a matter of shame. I would,

therefore, beg of my friend Rai Mahasai to accept my amendment and await the public opinion and the considered opinion of the Calcutta Corporation.

5 p.m.

Rai Dr. HARIDHAN DUTT Bahadur: I find that this proposal embodied in the Bill was placed before the Corporation and the Corporation referred the matter to District Committee No. IV. The District Committee after discussing the matter almost threadbare in consultation with the departmental officers placed their recommendations before the Corporation and the Corporation after considering the matter seriously passed a resolution against the proposal of my friend. In view of this, I cannot understand what good purpose will be served by accepting the proposal of Mr. P. N. Guha for re-circulation of the Bill knowing full well that the Corporation have already arrived at a decision. I personally feel that Rai Mahasai has been very badly advised in this matter. Instead of placing the matter before this Council, he ought to have made propaganda work, if I may say so, among the members of the Corporation and tried to convince the Corporation of the justice of having ward No. XXII divided into two parts leaving Kalighat alone. Instead of doing this, he has brought in this Bill and the mischief has been done. The Corporation have already given their verdict and how can they now give the good-bye to their decision and come to another conclusion absolutely opposed to their old resolution? I believe it is no good having this matter re-circulated, and the Council should reject that.

In this connection, I must point out that Bhowanipore is a place which has been allotted the largest number of seats. I remember in those days, when we were discussing the question of allotment of seats to the different portions of Calcutta, it was pointed out that Bhowanipore was a developing area and that a large number of influential men had gone to live there and the importance of Bhowanipore was naturally greater than other portions of the city. That was why three seats were allotted to Bhowanipore and Kalighat is a part and parcel of Bhowanipore; so I do not find any reason why Kalighat and Bhowanipore should be set one against the other and why should there be this rivalry between two contiguous portions. What would be the result of my friend's proposal? He should remember that it will only introduce rivalry between different members of the same locality and the result will be disastrous to the interest of Kalighat. For this and various other reasons on which I need not dilate, I think that the mover of this motion should not press it. In fact, I think he has been very ill-advised to bring forward the motion at all.

Mr. J. CAMPBELL FORRESTER: I oppose this Bill. It is quite evident to any one who has read this Bill that it will create what we in England call a pocket borough should it be passed. The reason advanced amongst others is that this part of the city is very badly neglected. Kalighat, they say, is in the dirtiest of conditions and is very badly neglected and they want a Councillor specially to look after it. This is a very stupid reason which can be removed by taking care to see that the elected representatives for this ward do their work. There is no doubt that there is something under the surface of this which has not really been revealed, but the main thing that the Corporation have to do is to look after all wards and if the Councillors who were elected for that purpose cannot look after this ward properly, they ought to be dismissed and others elected; the remedy lies with the electors.

The motion that the Calcutta Municipal (Amendment) Bill, be re-circulated for eliciting public opinion thereon, especially the considered opinion of the Corporation of Calcutta, by the last day of May, 1932, was put and agreed to.

The motion of Munindra Deb Rai Mahasai that the Bill be referred to a Select Committee, therefore, failed.

The Bengal Local Self-Government (Amendment) Bill, 1931.

The following motion was called but not moved:—

MUNINDRA DEB RAI MAHASAI to move that the Bengal Local Self-Government (Amendment) Bill, 1931, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of the Local Self-Government Department,
(*2*) Mr. C. W. Gurner,
(*3*) Mr. H. S. Suhrawardy,
(*4*) Khan Bahadur Maulvi Azizul Haque,
(*5*) Mr. Surendra Nath Law,
(*6*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,
(*7*) Babu Jatindra Nath Basu,
(*8*) Maulvi Abdul Hakim,
(*9*) Dr. Naresh Chandra Sen Gupta,
(*10*) Mr. Syamaprosad Mookerjee, and
(*11*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Bengal Municipal (Amendment) Bill, 1931.

The following motion was called but not moved:—

MUNINDRA DEB RAI MAHASAI to move that the Bengal Municipal (Amendment) Bill, 1931, regarding removal of sex disqualification be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of the Local Self-Government Department,

(*2*) Mr. C. W. Gurner,

(*3*) Babu Jatindra Nath Basu,

(*4*) Mr. B. C. Chatterjee,

(*5*) Mr. S. M. Bose,

(*6*) Mr. H. S. Suhrawardy,

(*7*) Mr. J. Campbell Forrester,

(*8*) Mr. C. G. Cooper,

(*9*) Mr. J. N. Gupta, C.I.E., M.B.E.,

(*10*) Mr. R. Maiti, and

(*11*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The Bengal Village Self-Government (Amendment) Bill, 1931.

MUNINDRA DEB RAI MAHASAI: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1931, be referred to a Select Committee consisting of—

(*1*) the Hon'ble Minister in charge of the Local Self-Government Department;

(*2*) Mr. C. W. Gurner;

(*3*) Mr. B. C. Chatterjee;

(*4*) Babu Jitendralal Bannerjee;

(*5*) Mr. P. Banerji;

(*6*) Rai Bahadur Satyendra Kumar Das;

(*7*) Maulvi Abdul Hakim;

(*8*) Haji Badi Ahmed Chowdhury;

(*9*) Mr. Narendra Kumar Basu;

(*10*) Dr. Naresh Chandra Sen Gupta;

(*11*) Maulvi Syed Jalaluddin Hashemy; and

(*12*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. President, Sir, this Bill was introduced into this Council in the last July session when it was decided to circulate it for eliciting public opinion thereon. The amendments of sections 31 and 32 have been approved by a majority of those to whom the Bill was referred for opinion. There is divergence of opinion with regard to the amendment of section 45. I should like to read one or two opinions to show the divergence. The District Magistrate of Hooghly, Mr. A. S. Larkin, is of opinion that amendment proposed in clauses 2 and 3 may be accepted as they will give the union boards useful discretionary powers. As regards clause 4, he writes: "I should like an amendment to the effect that the district board should set aside a percentage of its income for aiding union boards or should announce that a certain amount will be set aside. This amount should be distributed to each union board in proportion to the amount levied under section 37 (*b*). This will enable the union boards to know how they stand and will encourage them to undertake works of public utility by raising funds under section 37 (*b*)." The Commissioner of the Burdwan Division approves the amendments proposed in clauses 2 and 3 of the Bill. As to clause 4 he writes: "I see no objection to clause 4 as it will be to the advantage of union boards, but it will be practically useless unless *enforced*." As to clause 5 of the Bill, there is wide divergence of opinion. My proposal in clause 2 of my Bill is to add a permissive clause to enable the union boards to undertake small irrigation projects. The Commissioner of the Burdwan Division wants a clear definition of the word "small" and suggests addition of the words "not costing more than Rs. 1,000." Some of the District Magistrates have also expressed similar views. Clause 2 of the Bill is also a permissive clause to enable union boards to make grants-in-aid to libraries, reading rooms and dispensaries if their funds permitted and they felt inclined to do so. Clause 4 wants to make it compulsory for district boards to contribute their quota to the union boards and clause 5 wants the approval of the Local Government to the suspension of union boards and to the removal of the president. As the opinions received are divergent, a reference to the Select Committee

is essential for their proper sifting and careful consideration clause by clause. I, therefore, hope my proposal will have the approval of the House.

Mr. SARAT KUMAR ROY: I beg to move that—

(*a*) after the name of "Maulvi Syed Jalaluddin Hashemy" the following names be inserted, namely:—

Maharaja Sris Chandra Nandy, of Kasimbazar,

Maharaja Jagadish Nath Ray, of Dinajpur,

Raja Bhupendra Narayan Sinha Bahadur, of Nashipur,

Kumar Shib Shekhareswar Ray, and

Mr. Sarat Kumar Roy.

(*b*) in the last line for the word "four" the word "five" be substituted.

Mr. PRESIDENT: Have you received the written consent of all the members whom you propose to add to the Select Committee, Mr. Roy?

Mr. SARAT KUMAR ROY: I have received the written consent only of Raja Bhupendra Narayan Sinha Bahadur, of Nashipur. The question of my consent does not of course arise.

Mr. PRESIDENT: Then you can move the Raja Bahadur's and your name only.

The following motion was then put and agreed to:—

"That in the motion of Munindra Deb Rai Mahasai after the name of Maulvi Syed Jalaluddin Hashemy the following names be inserted, namely: Raja Bhupendra Narayan Sinha Bahadur, of Nashipur and Mr. Sarat Kumar Roy.

That in the last line for the word 'four' the word 'five' be substituted."

Maulvi NUR RAHMAN KHAN EUSUFJI: I beg to move that in the motion of Munindra Deb Rai Mahasai after the name of "Maulvi Syed Jalaluddin Hashemy" the following names be inserted, namely:—

Maulvi Tamizuddin Khan,

Maulvi Nur Rahman Khan Eusufji,

Khan Sahib Maulvi Muazzaman Ali Khan, and

Maulvi Syed Majid Baksh.

The motion was put and agreed to.

The following motion was called but not moved:—

Maulvi HASSAN ALI to move that after the name of "Maulvi Syed Jalaluddin Hashemy" the following names be inserted, namely:—

Maulvi Hassan Ali,

Kazi Emdadul Hoque, and

Maulvi Abdus Samad.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Government are prepared to accept the reference of this Bill to Select Committee, but in doing so, I must make it clear that we do not accept some provisions of the Bill, especially the one by which contribution of district boards to union boards is going to be made compulsory. That is a provision to which Government take the strongest exception.

There is another provision, namely, that the power to remove the presidents of union boards and suspend union boards should be withdrawn from the Commissioners and should be reserved to the Local Government only. We object to this provision also. Subject to these objections, Government agree to refer this Bill to the Select Committee.

MUNINDRA DEB RAI MAHASAI: I only said the removal should require the approval of the Local Government.

The following amended motion was then put and agreed to:—

"That the Bengal Village Self-Government (Amendment) Bill, 1931, be referred to a Select Committee consisting of the Hon'ble Minister in charge of the Local Self-Government Department, Mr. C. W. Gurner, Mr. B. C. Chatterjee, Babu Jitendralal Bannerjee, Mr. P. Banerji, Rai Bahadur Satyendra Kumar Das, Maulvi Abdul Hakim, Haji Badi Ahmed Chowdhury, Mr. Narendra Kumar Basu, Dr. Naresh Chandra Sen Gupta, Maulvi Syed Jalaluddin Hashemy, Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Mr. Sarat Kumar Roy, Maulvi Tamizuddin Khan, Maulvi Nur Rahman Khan Eusufji, Khan Sahib Maulvi Muazzaman Ali Khan, Maulvi Syed Majid Baksh and Munindra Deb Rai Mahasai, with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 15th February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 15th February, 1932, at 3 p.m.

Present:

MR. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 105 nominated and elected members.

Oath or affirmation.

The following member made an oath of his allegiance to the Crown:

Mr. John Ross.

Congratulating His Excellency the Governor on his providential escape.

Mr. P. N. GUHA: May I rise to seek an information? I sent up a resolution congratulating His Excellency the Governor on his providential escape and condemning the outrage and also requesting the authorities to take measures for suppressing the terrorist movement and requested your Secretary to seek your permission to allow me to move. I have not heard anything.

Mr. PRESIDENT: I am going to give you such an opportunity just now. Gentlemen of the Council, as a Bengali I am naturally proud of the Bengali-speaking race. I do believe that it is a fine race—perhaps one of the finest in the world. I know that it has given to this world some of its greatest men, but I feel very small, a sense of humiliation oppresses my soul and my head hangs down in shame when I reflect on the dastardly attempt which was made the other day on the valuable life of our well-beloved Governor. I refer to the inglorious incident which took place at the Senate House a few days ago when His Excellency was presiding over the Annual Convocation of the Calcutta University. The dismal truth that such a crime is possible in Bengal goes to prove beyond the shadow of doubt the dangerous malignity of the virus of man-slaughter for political purposes

and as the mouthpiece of this Council it is my duty to give expression to our abhorrence and condemnation of this political hydrophobia, although it has affected only a microscopic minority in Bengal. But it is essential that god-fearing and really patriotic men and women of Bengal should combine to combat and eradicate this menace to society in the best interest of our civilization and national progress. Gentlemen, I think you all know how very popular Sir Stanley Jackson is in Bengal. You all know how our people very sincerely admire him for his charming personality and character. You all know how our people sincerely appreciate his solicitude for their welfare. That even he could be thought of as a target for the assassin's hands is really alarming, to say the least of it. I am sure healthy public opinion will condemn the attack which has caused shame to sit on the fair brow of Bengal. Gentlemen, one word more and I have done. As your spokesman and representative I crave your authority to convey to His Excellency the Governor and the Hon'ble Lady Jackson our heartfelt and most respectful congratulations on His Excellency's providential escape and I am sure you will like me to couple with our felicitations our prayers for their long life, health, happiness and prosperity. (Applause.)

The Hon'ble Mr. A. MARR: On behalf of the Official Group I wish to associate ourselves wholeheartedly with what has fallen from the Chair. We are profoundly thankful for His Excellency's providential escape and we extend our sympathies both to His Excellency and to the Hon'ble Lady Jackson for what happened. We should also like to put on record our appreciation of the great bravery and celerity with which the Vice-Chancellor grappled with the assailant.

Babu JATINDRANATH BASU: Mr. President, Sir, the attempt made on the life of His Excellency the Governor of Bengal to which you have referred has filled the country with amazement and horror. The spirit of which such acts are manifestations is alien to the culture and traditions of our country.

Murders or attempts at murder by assassins have always been looked down upon by the people of this country as deserving of the severest condemnation. Such acts become all the more reprehensible when done or directed against persons who are trustfully engaged in the performance of their duties.

It is a matter of deep anxiety that terrorism now finds its recruits not from habitually criminal classes, but from amongst young men and women, who lay claim to modern education and culture.

That the mind of the youth of this country should be filled with patriotic ardour is natural. But it is regrettable that young men and

women should be led to adopt methods which are the negation of those ideals, which are looked up to by mankind in general as requisite for the holding together of human society and for the organization of endeavours for human progress.

The methods to which I have referred are abhorrent to Indians for many reasons. They tend to destroy the distinctive culture which our countrymen, Hindus, Muhammadans and others, have developed through centuries of suffering and self-restraint. Those centuries of suffering were gone through so that a brighter, happier and more human world may be heralded in. But the methods which has been adopted by some of the youth of this country is an attempt to ignore our life, present and past, and to push us back into barbarism.

The circumstance that the motives behind such criminal acts are political, or in so-called furtherance of national aspirations, is no extenuation of the heinousness and mischief of those acts. It is a matter of deep regret that there are some, who do not take their inspiration from what is best and noblest in human history, but from the brutal and retrogressive elements in it.

The participation of women and girls in such criminal endeavours has caused widespread pain and amazement in this country in which in the past all that is best and noblest in the life of the people has to a great extent been kept alive and encouraged by the supreme kindliness and generosity of nature of our womankind.

Our women of all classes and creeds have throughout our chequered history been remarkable for all that they have done for the relief of human suffering and misery. If you pass through our numerous villages, you will find trees with thick foliage which give shade and comfort to our agricultural workers and wayfarers. You will also find a large number of tanks supplying much needed water to the people of the interior. A great many of those trees were planted and most of those tanks were excavated by the women of this country with a view to give much needed relief to the people. We live in a province where cholera, small-pox, and other scourges rage. The facilities for medical relief and nursing are unfortunately meagre. Every day we notice our women fearlessly and patiently nursing patients suffering from those fell infectious diseases and trying to bring comfort and relief. To tear up those ideals and to substitute in their place attempts at murdering confiding people is conduct which cannot but fill us with horror and amazement.

I trust that in the best interests of our country and of general progress to which India has to make her distinctive contribution, the youth of the country will see in a true light the acts to which I have referred and resolutely set their face against them so that the spirit of straightforwardness and humanity which is essential for making our

cultural ideals effective may grow from more to more spreading trustfulness and goodwill not only in our own land but all over the world.

3-15 p.m.

Mr. NARENDRA KUMAR BASU: Sir, we on this side of the House associate ourselves wholeheartedly with the remarks that have fallen from you and the Leader of the House in condemning the attempt made on the life of His Excellency the Governor and in congratulating him on his miraculous escape. We also associate ourselves wholeheartedly with the remarks made by the Leader of the House regarding the courageous conduct of the Vice-Chancellor.

Sir LANCELOT TRAVERS: Sir, speaking for the members of the British Group in this House I entirely associate myself with every word that fell from your lips. His Excellency Sir Stanley Jackson has our admiration for his courage and coolness and he and the Hon'ble Lady Jackson have our sympathy for the occurrence. We would also wish to associate ourselves wholeheartedly with what has been said by the Hon'ble Mr. Marr in regard to the wonderful courage displayed by the Vice-Chancellor.

Mr. B. C. CHATTERJEE: Sir, I associate myself wholeheartedly with all that you and the previous speakers have said.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, on behalf of the members of my community in this House I beg to associate ourselves with the remarks that have fallen from you and join very strongly in condemning the dastardly attempt on the life of His Excellency the Governor. This act, Sir, is the climax of similar acts which have been going on for some time past in Bengal. We have before in this House and outside condemned very strongly similar dastardly attempts on the part of assassins on the lives of Europeans. As I submitted just now this act in its enormity was the climax, as it was directed against His Excellency than whom perhaps there is no other more popular personage at present in this province, specially amongst the students and young men, and it is particularly enormous in its dastardliness because it was committed by one of the gentler sex. Sir, this canker of terrorism is eating into the vitals of our political and social life, and it is not desirable to use qualified remarks of any sort to condemn in the strongest possible terms such acts. When we deprecate and condemn such acts, we should do so without qualification as to the motive or as to the intention. Acts like these should be condemned outright and without any qualification. With these words we associate ourselves with the remarks that have fallen

from you and I am also desired to associate ourselves with the remarks of the Leader of the House as regards the courage of the Vice-Chancellor.

Mr. D. J. COHEN: Sir, I associate myself wholeheartedly with the remarks that fell from you in congratulating His Excellency on his providential escape. I take the opportunity of earnestly appealing to the leaders of the Hindu community not to restrict themselves as hitherto merely to speeches in this Chamber in combating this very great evil but to bestir themselves and zealously exert their personal influences outside in bringing home to these misguided educated young men and women the utter futility of these acts of violence which merely besmirch the fair name of Bengal.

Babu KISHORI MOHAN CHAUDHURI: Sir, I associate myself with the remarks that have fallen from you and other speakers. Sir, we are extremely sorry that such acts of terrorism should take place, and it is high time that we should all combine to devise some means to prevent such acts of violence. We abhor strongly such an act of dastardly outrage done on the life of His Excellency the Governor. With these words I associate myself wholeheartedly with the expressions of abhorrence and sympathy and congratulation for His Excellency's providential escape.

Mr. P. N. GUHA: Sir, when I drew up the resolution to which I have just now drawn your attention, I did so with a sense of horror. I am a person who is nearing the end of his life. I am controlling a house consisting of several boys and girls and some of my grandchildren are students of the Diocesan College. The feeling of horror regarding the future of these young people was so great that it made me miserable and I could not get rid of the shock that night. I do not want to suggest any measures by which this evil can be coped with but I think the time is ripe when every one of us must lend as much help and assistance as is possible to the people who are engaged in suppressing the terrorist movement. I wholeheartedly congratulate His Excellency and the Hon'ble Lady Jackson and I also admire the courage shown by the Vice-Chancellor and endorse every word that has fallen from the Leader of the House.

Mr. SYAMAPROSAD MOOKERJEE: Sir, as the member representing Calcutta University, I think it my special duty to associate myself wholeheartedly with what has fallen from you and the other members who have preceded me. I was an eye-witness to the attempt made on His Excellency's life and I entirely agree with the Hon'ble Mr. Marr that His Excellency's escape was providential.

That such an occurrence should have taken place within the precincts of the University and an attempt made on the life of one whose anxiety for the welfare of the University and its aspirations is so deep and genuine and whose interest in the welfare of the present generation of students so deep—I am saying this from personal knowledge—adds to our sense of sorrow and humiliation. Once again, Sir, I desire to associate myself with what has fallen from the previous speakers.

Starred Questions

(to which oral answers were given).

Assessment of cess in Chittagong.

*26. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that cess is being assessed now in Chittagong?

(*b*) What is the annual asset fixed on average for land per acre in the matter of assessment of cess?

(*c*) Is the Hon'ble Member aware that the price of paddy has fallen much more now than what it was before at the time of the original assessment?

(*d*) Are the Government considering the desirability of assessing cesses on the annual assets in proportion to the reduced price of paddy now?

(*e*) Has not the Secretary to the Chittagong Zamindars' Association sent to the Government resolutions unanimously passed in a meeting of the said Association for proper redress of the grievances in the matter of cess assessment?

(*f*) What are the conclusions arrived at by the Government on the prayers contained in the said resolutions?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*) Yes.

(*b*) It is reported that *khas* cultivated lands of proprietors and tenure-holders have been valued at Rs. 10 per acre and that other classes of *khas* land have been valued at full or half average *mauzawar* rates fixed by *jamabandi* officers in resettlement proceedings. These rates are, except in a few cases, less than Rs. 10 per acre.

(*c*) Yes.

(*d*) No.

(*e*) Yes.

(*f*) The resolutions will be considered on receipt of a report from the Collector which has been called for.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the assessment is made on the annual valuation of the land?

The Hon'ble Sir B. B. GHOSE: I ask for notice.

Forest tax on Muli bamboos in Chittagong.

*27. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue (Forest) Department be pleased to state whether he is aware that the forest tax for Muli bamboos is annas eight per hundred in Chittagong?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of reducing the said tax in view of the fall in the price of bamboos?

MEMBER in charge of REVENUE (FOREST) DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Chuznavi): (*a*) Yes.

(*b*) No reduction in the rate is at present under contemplation.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Does not the Hon'ble Member consider that in view of the fact that the price of Muli bamboos has gone down from Rs. 3 per hundred to Re. 1-8, it is fair that the tax should be decreased to annas four per hundred?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: The price has gone up again.

Prisoners in Chittagong Jail.

*28. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state what is the number of the prisoners in the Chittagong Jail at present?

(*b*) In what different classes have they been respectively placed?

(*c*) To which community does each of the prisoners belong?

(*d*) What is the nature of the offences committed by them?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*), (*b*) and (*c*) There were 270 prisoners on the 16th January, 1932, of whom 28 undertrials were in Division I, 104 undertrials in Division II, and 138 convicts in Division III, and 81 were Hindus, 169 Muhammadans, and 20 Buddhists.

(*d*) The information is given in the statement below.

Statement referred to in the answer to clause (d) of starred question No. 28.

Convicts sentenced under

Indian Penal Code														Criminal Procedure Code.		Other Acts.				
Chapter VIII.	XI	XII.	XVI Affect life	Hurt	Assault	Kidnapping	Theft.	Dacoity	Criminal misappropriation	Receiving stolen property	Cheating	Mischief	XVIII	XX.	109	110	Arms.	Opium.	Forest.	Emergency.	Total.
2	1	1	6	12	1	4	32	22	3	12	4	9	1	2	5	6			1	2	138

Piece-work system of the Lino-operators of the Bengal Government Press.

*29. **Mr. K. C. RAY CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware—

(*i*) that the Government of India Press, Calcutta, get the same advantages in respect of salary and leave as the employees of the Bengal Government Press;

(*ii*) that the Lino-operators of the Government of India Press, Calcutta, draw monthly salary; and

(*iii*) that the Lino-operators of the Bengal Government Press are paid on the piece-work system?

(*b*) Will the Hon'ble Member be pleased to state the reasons for not abolishing the piece-work system of the Lino-operators of the Bengal Government Press as recommended by a resolution passed by this Council on the 10th February, 1928?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) (*i*) The advantages are not the same in all cases.

(*ii*) Yes.

(*iii*) Yes.

(*b*) The piece-system produces a better standard of work.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether it is contemplated by Government to introduce the piece-system all over?

The Hon'ble Mr. A. MARR: No, that is not possible.

Pecuniary jurisdiction of Gopalganj munsifi.

*30. **Mr. SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the years 1926 to 1931—

(*i*) the number of original civil suits above one thousand rupees instituted in the district civil courts of Faridpur by the litigant public of the Gopalganj subdivision; and

(*ii*) the total number of civil suits instituted in the civil courts of Gopalganj, which were not maintainable for want of pecuniary jurisdiction?

(*b*) Are the Government aware—

(*i*) that the route to Faridpur from Gopalganj is a very tedious one;

(*ii*) that there will be an increase of civil suits if the pecuniary jurisdiction of Gopalganj Munsif's courts is raised from one thousand rupees to two thousand rupees?

(*c*) Will the Hon'ble Member be pleased to state the names of subdivisions where the Munsifs are empowered to try civil suits valued over one thousand rupees?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) A statement is laid on the table.

(*ii*) The information asked for is not available and could not be obtained without a laborious inquiry which the Government regret they are not prepared to undertake.

(*b*) (*i*) Not now.

(*ii*) No.

(*c*) A statement is laid on the table.

I

Statement referred to in the answer to clause (a) (i) of starred question No. 30 showing the number of suits instituted in the civil courts at sadar from the Gopalganj subdivision.

Year.	Those over Rs. 1,000.
1926	31
1927	26
1928	29
1929	21
1930	30
1931	21

II

Statement referred to in the answer to clause (c) of starred question No. 30 showing the names of subdivisions where Munsifs empowered to try original suits over one thousand rupees are posted.

Names of districts.	Names of subdivisions.
Bakarganj	Barisal, Patuakhali and Pirojpur.
Bankura	Sadar.
Birbhum	Ditto.
Burdwan	Ditto.
Chittagong	Ditto.
Dacca	Sadar, Narayanganj and Munshiganj.
Dinajpur	Sadar and Jalpaiguri.
Faridpur	Sadar and Madaripur.
Hooghly	Howrah.
Khulna	Sadar and Bagerhat.
Midnapore	Contai and Tamluk.
Murshidabad	Sadar.
Mymensingh	Sadar, Kishoreganj, Tangail, Netrakona and Jamalpur.
Nadia	Sadar.
Noakhali	Ditto.
Pabna and Bogra	Bogra.
Tippera	Sadar, Brahmanbaria and Chandpur.
24-Parganas	Sadar, Diamond Harbour and Basirhat.

N.B.—As Sealdah is not a subdivision, it is omitted from the statement. At present there is also a Munsif at Bhola who is similarly empowered.

Bengal Emergency Powers Ordinance.

***31. Mr. S. M. BOSE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) how many persons have been arrested up to date under the Bengal Emergency Powers Ordinance, 1931, and how many released or convicted after arrest;

(*ii*) whether any of the absconders said to be implicated in the Chittagong Armoury raid have been arrested after the Ordinance, and if so, how many; and

(*iii*) whether any complaints have been received about the actual working of the above Ordinance, and if so, the nature of such complaints and the steps taken about them?

(*b*) What steps, if any, are being taken by Government to ensure that the provisions of the said Ordinance are not abused, or applied to hamper the normal activities of persons unconnected with the terrorist movement?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) Arrested 53; released 28; convicted 23.

(*ii*) One absconder has been arrested since the promulgation of the Ordinance.

(*iii*) No.

(*b*) Instructions on these points have been issued to the Commissioner, Chittagong Division, who is in general control of the operations.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Member prepared to give any information regarding the prisoners who are reported to have escaped from the Midnapore and Hijli jails?

The Hon'ble Mr. W. D. R. PRENTICE: It does not arise out of the question which relates to the Bengal Emergency Powers Ordinance.

Dr. NARESH CHANDRA SEN GUPTA: Does the Hon'ble Member agree that the primary object of the Ordinance has failed?

Punitive police tax in Chittagong.

*32. **Rai Bahadur KAMINI KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that the tax for additional police force is being realised from the Hindu inhabitants of the 52 villages of the Patiya and other police-stations in the district of Chittagong without proper inquiry as to the respective means of the inhabitants within the area?

(*b*) Is the Hon'ble Member aware that objections from the villagers were invited?

(*c*) Is it a fact that the objections were considered without giving the villagers proper opportunity to be heard in support of their objections?

(*d*) Will the Hon'ble Member be pleased to state—

(*i*) the number of objections filed, and

(*ii*) the number of them allowed?

(*e*) Will the Hon'ble Member be pleased to state whether all the Government servants, Government title-holders and Government pensioners of these villages have been exempted from the payment of this tax?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state why these persons have been exempted?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) Yes.

(*c*) No.

(*d*) (*i*) 2,456.

(*ii*) 859.

(*e*) Government servants and Government pensioners have been exempted. But Government title-holders have not been exempted as a rule unless they come under any of the classes or sections of persons specifically exempted by Government.

(*f*) Because Government presume that these persons have not contributed to the dangerous and disturbed state in the locality for which quartering of police has been necessary.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if ever in Bengal such a tax has been realised from the Hindu inhabitants only?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Babu JITENDRALAL BANNERJEE: Has the Hon'ble Member any doubt that no such tax has been imposed upon any Muhammadan in Chittagong?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state, if the inhabitants were collectively responsible, how is it that Government servants and pensioners have been exempted?

The Hon'ble Mr. W. D. R. PRENTICE: The Act gives specific power to Government to exempt particular individuals.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if the state of the locality was one of the things into which the Nelson Committee inquired?

The Hon'ble Mr. W. D. R. PRENTICE: No, that was not the subject of the inquiry.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether Government has issued any order to the effect that the tax is to be realised from particular persons?

The Hon'ble Mr. W. D. R. PRENTICE: Government issued certain orders with regard to exemptions only.

Movement to dissuade people from paying their dues.

***33. Mr. ANANDA MOHAN PODDAR:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that for some

time in certain parts of Bengal there has been a movement on foot to dissuade people from making payment to the land-owners and money-lenders in respect of their due rents and monies?

(*b*) Is the Hon'ble Member aware that the *zamindars*, *talukdars* and *mahajans* are unable to realise their dues and have been put to great difficulties as a result of the said movement?

(*c*) Is the Hon'ble Member aware that they can neither pay revenues or taxes nor can they institute suits to realise their dues for want of funds?

(*d*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government have taken to prevent the said pernicious movement?

(*e*) Are the Government considering the desirability of protecting the interests of the *zamindars*, *talukdars* and *mahajans* by extending the period of limitation for instituting suits or by any other means as may be found necessary?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) In some areas, mostly in Eastern Bengal, there has been such a movement but it is not widespread.

(*b*) No, not as the result of the said movement. Like every one else, they are feeling the effects of the general political, economic, and financial stress.

(*c*) No.

(*d*) The local officers are using their powers under the law and the Ordinances whenever the situation requires it.

(*e*) No.

Maulvi NUR RAHMAN KHAN EUSUFJI: Is the Hon'ble Member aware that owing to the general depression and failure of crops in Bengal, agriculturists are not in a position to make payments either to landlords or *mahajans*?

The Hon'ble Mr. W. D. R. PRENTICE: I am not concerned with that question; I think it ought to be referred to the Revenue Department.

Report on the Chittagong occurrence.

*34. **Maulvi SYED JALALUDDIN HASHEMY:** Will the Hon'ble Member in charge of the Political Department be pleased to state whether the report of the Chittagong Enquiry Committee will be published? If so, when?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): The member is referred to the reply given to starred question No. 3 asked by Mr. Narendra Kumar Basu on the 1st February, 1932.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Member aware that during the discussion of the adjournment motion last week, he gave an assurance that Government will publish a resolution embodying the action taken by Government on the Chittagong Committee report? When does Government expect to publish that report?

The Hon'ble Mr. W. D. R. PRENTICE: I did not say that I would publish a resolution; I said that I would make a statement, and that will be done, I hope, before the end of the session.

Babu JITENDRALAL BANNERJEE: Will the Government publish any resolution?

The Hon'ble Mr. W. D. R. PRENTICE: I am not the Government; I cannot say what action Government will take.

Conducting a suit against an excise-vendor of Dinajpur at the expense of Government.

*35. **Maulvi HASSAN ALI:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(a) whether it is a fact that one Hironmoyee Devi, wife of Babu Nalini Kanta Adhikary, pleader of Balurghat in the district of Dinajpur, instituted a damage suit for defamation against the local excise-vendor Babu Sasi Ranjan Das Gupta claiming Rs. 1,000 as damages in the Court of the 1st Munsif of the said subdivision;

(b) is it a fact that a local pleader Babu Devendra Nath Chakravarty has been appointed by Government at the expense of the Government to defend the suit; and

(c) if so, under what rule has an excise-vendor been regarded as a Government official?

The Hon'ble Mr. W. D. R. PRENTICE: (a) Yes.

(b) Yes.

(c) The statement of fact on which this question is based is not correct.

Hijli incidents.

***36. Mr. SHANTI SHEKHARESWAR RAY:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(i) the names of the Government servants on duty at the Hijli Detention Camp on the 16th September, 1931; and

(ii) the names of Government servants who took part in the occurrence at the Camp when, according to Government of Bengal Resolution No. 20834P., there was unjustifiable firing?

(b) Will the Hon'ble Member be pleased to state whether Government disowns any responsibility for the condition of things prevalent at the Hijli Detention Camp before the occurrence?

The Hon'ble Mr. W. D. R. PRENTICE: (a) Government are not prepared to publish the names of the officers and men concerned.

(b) The member is referred to the Government Resolution on the report of the Hijli Enquiry Committee.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether a member of the Legislative Council can get the information with a view to prosecute the officers concerned?

The Hon'ble Mr. W. D. R. PRENTICE: (Inaudible in the Reporters' gallery.)

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether Government thinks that the publication of the names of the officers and men concerned would not be in the public interest?

The Hon'ble Mr. W. D. R. PRENTICE: The publication of the names in the present situation would be dangerous.

Mr. B. C. CHATTERJEE: Will the Hon'ble Member be pleased to consider the question of publishing the evidence given before the committee in this case?

The Hon'ble Mr. W. D. R. PRENTICE: I think if there was any real demand for that, the matter would be considered, but I thought that this matter was dead and buried.

Mr. B. C. CHATTERJEE: Will the Hon'ble Member be pleased to state if the report of the inquiry committee would be available to the public?

The Hon'ble Mr. W. D. R. PRENTICE: I am not prepared to make any promise at present.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether there is any reference in the Government resolution on the report of the inquiry committee, about the complicity of the local Government in this connection?

The Hon'ble Mr. W. D. R. PRENTICE: I think the members of the Council were given a copy of the resolution.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether there is any reference in the resolution to the responsibility of the local Government in this connection?

The Hon'ble Mr. W. D. R. PRENTICE: I would ask the member to read the resolution.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he is prepared to contradict me when I say that there is no such reference?

The Hon'ble Mr. W. D. R. PRENTICE: (Inaudible in the Reporters' gallery.)

Mr. B. C. CHATTERJEE: Is the Hon'ble Member aware that a man named Anil Sen who had three wounds on his hand came and showed them to the committee, and he was disbelieved?

The Hon'ble Mr. W. D. R. PRENTICE: No, I am not aware of it.

Mr. SYAMAPRDSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether any action has been taken against the officers on whose information the first communique was published by Government on the Hijli incident?

The Hon'ble Mr. W. D. R. PRENTICE: I think there is a specific question about it which I will answer later. If the hon'ble member will refer to the communique he will see that the preamble specifically states that *on the information so far available, the facts appear to be such*.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state what action has been taken by Government against those officers who supplied false information to Government?

The Hon'ble Mr. W. D. R. PRENTICE: They did not supply any false information. The communique states "on the information so far available to Government."

Hijli incidents.

*37. **Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether any action has been taken for punishing those who were held by the committee

appointed to inquire into the incident responsible for the unjustifiable shooting at the Hijli Detention Camp on the 16th September last resulting in the death of two détenus and injuries to several others?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the nature of punishment awarded to each individual person concerned?

(*c*) If no such action has been taken, what are the reasons for the same?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) One man has been dismissed, two have been reduced to the ranks, and some others have been punished by reduction of pay.

(*c*) Does not arise.

Mr. NARENDRA KUMAR BASU: Does the Hon'ble Member think the dismissal of one man and reduction of two others to the ranks sufficient for the injury they have caused?

Mr. PRESIDENT: I do not allow that question.

Mr. B. C. CHATTERJEE: Is the Hon'ble Member sure that if the two men killed at Hijli had been Englishmen, he would not have taken more drastic action?

Mr. PRESIDENT: I do not allow that question.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether action will be taken under section 124 of the Government of India Act against those officers for oppressing British subjects?

The Hon'ble Mr. W. D. R. PRENTICE: (Inaudible in the Reporters' gallery.)

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be prepared to assure this House that action has been taken against all officers who have been found guilty in connection with this incident?

The Hon'ble Mr. W. D. R. PRENTICE: Action has been taken.

Mr. B. C. CHATTERJEE: Is the Hon'ble Member aware of the evidence given by one of the sepoys that he considered the lives of the Babus of far less importance than anyone else.

The Hon'ble Mr. W. D. R. PRENTICE: I do not remember that.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that there is considerable dissatisfaction in Bengal over the action taken by Government in connection with the Hijli Detention Camp?

The Hon'ble Mr. W. D. R. PRENTICE: There are a certain number of people who are dissatisfied.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state the position of the man who was dismissed?

The Hon'ble Mr. W. D. R. PRENTICE: I have not got the details with me.

3-45 p.m.

Hijli incidents.

*38. **Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state what action has been taken by Government on the report of the Hijli Enquiry Committee?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the names of the public servants against whom action might have been taken; and

(*ii*) the nature of the action, if any, taken against each?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Proceedings were drawn up against two head constables and eight constables.

(*b*) (*i*) and (*ii*) The member is referred to the answers to the starred questions on this subject put by Mr. Shanti Shekhareswar Ray and Mr. R. Maiti at this meeting.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether, upon the findings of the Inquiry Committee, the persons who supplied information upon which the first communique was issued, were the persons against whom action ought to have been taken?

Mr. PRESIDENT: I think that question has already been dealt with.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Government are aware that some people being dissatisfied with the action taken by Government, were provoked to take the law into their own hands?

Mr. PRESIDENT: I do not allow that question.

Mr. B. C. CHATTERJEE: Is the Hon'ble Member aware that the men who were killed had been ailing for a long time and could not move about freely?

The Hon'ble Mr. W. D. R. PRENTICE: No, as far as I can remember.

Dr. AMULYA RATAN GHOSE: The Hon'ble Member has said that one man has been dismissed and others have been removed and some others have been punished with reduction of pay—will the Hon'ble Member in charge of the Political Department be pleased to state whether these men——

The Hon'ble Mr. A. MARR: On a point of order, Sir. The member is referring to a question which has already been disposed of.

Mr. PRESIDENT: You cannot put that question at this stage.

Hijli incidents.

***39. Maulvi SYED JALALUDDIN HASHEMY:** Will the Hon'ble Member in charge of the Political Department be pleased to state what action, if any, has been taken against the officer and constables who were responsible for shooting the détenus at Hijli?

The Hon'ble Mr. W. D. R. PRENTICE: The member is referred to the replies to the starred question on this subject put by Mr. R. Maiti at this meeting.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member in charge of the Political Department assure the House that no officer or constable has been promoted for what he did during the Hijli incident?

The Hon'ble Mr. W. D. R. PRENTICE: Certainly.

Halisahar Municipality.

***40. MUNINDRA DEB RAI MAHASAI:** (*a*) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to certain irregular actions of the Executives of the Halisahar Municipality?

(*b*) Is it a fact—

(*i*) that the general elections were held in October, 1930; and

(*ii*) the nominations were gazetted in June, 1931?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons why no new Board has been formed during the last 16 months?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) The reference appears to be to objections to the procedure adopted at the election for the Chairmanship in July last.

(*b*) (*i*) and (*ii*) Yes.

(*c*) The new Board has been formed but has not yet elected a Chairman in proper form as the objections referred to in the reply to (*a*) were partly upheld by Government and a new election ordered in January. This it is hoped will now soon be held.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister be pleased to state whether he is aware of other irregularities of the Executives of the Halisahar Municipality?

Mr. PRESIDENT: That question does not arise.

Namasudras in the Range Reserve Armed Police.

*41. **Mr. SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) the present number of Range Reserve Armed Police; and

(*ii*) the number of them that belongs to the Namasudra and other backward classes?

(*b*) Are the Government aware that hundreds of loyal young men belonging to the Namasudra and other backward classes are willing to serve in this Department?

(*c*) Are the Government considering the desirability of encouraging the loyal young men of the Namasudra and other backward classes by recruiting them in large numbers in this force?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) 945.

(*ii*) 116.

(*b*) and (*c*) An experiment in this direction has already been made, the results of which are not very encouraging, but it is being continued.

Advisory Committees of Steamer Companies.

*42. **Mr. S. M. BOSE:** (*a*) With reference to starred questions 3 and 6 answered on the 20th July, 1931, will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) whether under section 54B of the Inland Steam-Vessels Act, 1917, as amended in 1930, the Local Government has made any rules regarding the appointment and constitution of committees to advise the owners, agents and charterers of Inland steam-vessels on questions affecting the interests of passengers and shippers of goods; and

(*ii*) whether any such advisory committees have been formed and, if so, for what areas, and the names of the members thereof?

(*b*) If the answer to (*a*) (*ii*) is in the negative, when are such advisory committees likely to be constituted?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) (*i*) No.

(*ii*) The Joint Steamer Companies have formed advisory committees at Gauhati, Narayanganj and Barisal. A statement showing the composition of the committees is laid on the table.

(*b*) Government do not propose to constitute any advisory committees under the Act until they have had some experience of the working of the above three committees.

Statement referred to in the answer to clause (a) (ii) of starred question No. 42.

Composition of Advisory Committees constituted by the Joint Steamer Companies at Gauhati, Narayanganj and Barisal.

(1) Gauhati—

The Agent, Steamer Companies (*President*).
Representative of Local District Board.
Representative of Municipality.
Representative of Traders' Association.

(2) Narayanganj—

The Agent, Steamer Companies (*President*).
The Collector of Dacca.
Representative of Local Chamber of Commerce.
Representative of Dacca District Board.
Representative of People's Association, Dacca.
Representative of Dacca District Moslem Federation.

(3) Barisal—

The Agent, Steamer Companies (*President*).
The Collector.
Representative of Barisal Municipality.
Representative of Barisal Merchants.

Mr. P. N. GUHA: Is the Hon'ble Member aware that out of the four representatives of the Barisal Committee, one is the Agent of the Steamer Company and the other, a municipal man, is also in the employ of the Steamer Company?

The Hon'ble Mr. A. MARR: I am not aware of that.

Pre-emption suits in Mymensingh.

*43. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of pre-emption suits instituted under section 26F of the Bengal Tenancy Act by the landlords of the Mymensingh district separately in the years 1928 and 1929?

The Hon'ble Mr. W. D. R. PRENTICE: In 1928—Nil; in 1929—112.

Advisory Committees of Steamer Companies.

*44. **Mr. NARENDRA KUMAR BASU:** (*a*) With reference to the reply given to starred question No. 3 at the Council meeting held on the 20th July, 1931, will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) what progress has been made in regard to the inquiries referred to therein by the Hon'ble Member; and

(*ii*) when rules regarding the formation and functions of advisory committees under the Inland Steam-Vessels (Amendment) Act, 1930, may be expected to be promulgated by Government?

(*b*) What are the reasons for the delay in taking action in this matter?

(*c*) How many Advisory Boards are intended to be formed and at what centres?

(*d*) With reference to the Hon'ble Member's reply to Mr. P. N. Guha's supplementary question in connection with the abovementioned starred question, will the Hon'ble Member be pleased to state whether it is intended to form the Boards before framing the rules?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state what are the reasons for the adoption of such a procedure?

The Hon'ble Mr. A. MARR: (*a*) (*i*) The inquiries have been completed.

(*ii*), (*b*) and (*c*) The member is referred to the answer to a starred question on this subject asked by Mr. S. M. Bose at this meeting.

(*d*) and (*e*) In the reply given to Mr. Guha, reference was made to the committees then known to be in the process of formation by the Joint Steamer Companies, Government are satisfied that for the present these committees are sufficient to meet the objects of section 54B of the Inland Steam-Vessels Act.

Faridpur railway station.

*45. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether any decision has been arrived at as to the location and improvement of the Faridpur railway station?

(*b*) If so, what is the decision?

(*c*) If the decision is to remove the station to a more suitable place, will the Hon'ble Member be pleased to state when is the work of construction of the new station likely to be commenced?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*) The Eastern Bengal Railway authorities propose to locate the new station in the neighbourhood of the Zilla School.

(*c*) This depends upon the possibility of obtaining an allotment of funds. None have been earmarked for this purpose in the Railway Budget for 1932-33.

Classification of prisoners Amita Dutt, Bibha Dutt and Ajit Mukherjee.

*46. **Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether the Government have received two applications by, or on behalf of, Amita Dutt and Bibha Dutt and Ajit Mukherjee, convicted by the 4th Presidency Magistrate, Calcutta, and placed in division II, for revision of that order?

(*b*) If so, what steps have been taken by the Government on those petitions?

The Hon'ble Sir B. B. GHOSE: (*a*) No application for revision of the order of the 4th Presidency Magistrate, Calcutta, placing the prisoners in division II has been received.

(*b*) This does not arise.

Dr. NARESH CHANDRA SEN GUPTA: Is the Hon'ble Member aware that applications were filed before a Presidency Magistrate?

The Hon'ble Sir B. B. GHOSE: I would ask for notice.

Campaign for non-payment of rent and money-lenders' dues in certain districts.

*47. **SETH HUNUMAN PROSAD PODDAR:** (*a*) Is the Hon'ble Member in charge of the Political Department aware that an active campaign for non-payment of rent and money-lenders' dues is being carried on in several districts of East Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the districts affected by this movement?

(*c*) Is it a fact that the movement has taken a communal turn in most of the districts affected?

(*d*) Will the Hon'ble Member be pleased to state what measures, if any, have been taken by Government to suppress the movement?

(*e*) Have any of the offenders been brought to justice and punished?

(*f*) If so, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) how many persons have been arrested;

(*ii*) how many have been convicted; and

(*iii*) how many have been restrained or otherwise dealt with?

(*g*) Is the Hon'ble Member aware that there is a wide-spread feeling that the Government measures are insufficient to meet the situation?

(*h*) Are the Government considering the desirability of taking immediate steps to crush this movement?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) and (*b*) Several meetings have been held in Tippera, Noakhali and Mymensingh districts at which the non-payment of rent and money-lenders' dues has been advocated. Recent reports show that the agitation has now been checked.

(*c*) Most of the cultivators in these districts are Muhammadan, whilst the landlords and money-lenders are mostly Hindu. There has therefore been a danger of the movement taking a communal turn, but it is hoped that this has been prevented.

(*d*) and (*h*) Magistrates have taken action against mischief-makers chiefly under the Criminal Procedure Code and Emergency Powers Ordinance, and have used their influence among the cultivators to prevent trouble.

(e) and (*f*) The information is not available, but will be obtained.

(*g*) No.

Babu KHETTER MOHAN RAY: Is the Hon'ble Member aware that as a result of these meetings some committees have been formed at Laksham and several other thanas in Noakhali and people are not allowed to pay rents to the landlords or to pay their creditors' dues, and that no redress of the grievances of the latter could be obtained without the permission of those committees?

The Hon'ble Mr. W. D. R. PRENTICE: I would ask for notice.

Unstarred Questions

(answers to which were laid on the table).

Process-servers.

30. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether he has received a copy of the resolutions passed at the twelfth annual session of the Bengal Process-servers' Conference held at Barisal presided over by Maulvi Syed Majid Baksh, M.L.C.?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government propose to take any action in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The member is referred to the answer given to a similar question put by Maulvi Hassan Ali on the 2nd February last.

(*b*) No.

Hearing of criminal appeals of Malda.

31. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that criminal appeals of the district of Malda are almost always heard at Rajshahi?

(*b*) Has any suggestion been made by the district authorities of Malda in order to meet the greater convenience of the court as well as

the public to make arrangements that the Malda criminal appeals might be heard at Malda by the Sessions Judge or Additional Sessions Judge during their tour in that district?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what action, if any, is proposed to be taken?

(*d*) If no such suggestion has been made, are the Government considering the desirability of moving in the matter and redressing the grievance?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) Government will consult the local authorities on the subject.

Khalia khal in the Madaripur subdivision.

32. Babu SUK LAL NAG: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the Khalia khal in the Madaripur subdivision has been silted up owing to the operation of the dredger *Alexandra* while working in the Bil Route canal from Fatepur towards Jalirpar?

(*b*) If so, what steps, if any, have been taken to improve the said khal?

(*c*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether it has been ascertained without any question of doubt that the proposed improvement will help internal communication and improve the sanitation and fertility of the locality and its neighbourhood?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) Government are aware that the Khalia khal has silted up, but there is no record to show that this silting is connected with the dredging operations of the dredger *Alexandra* in the Bil Route.

(*b*) The khal was dredged in the year 1920-21 and an estimate was prepared in 1930 for dredging the khal. This latter work has not been undertaken owing to lack of funds.

(*c*) The dredging of the khal will certainly improve the internal communication and the sanitation of the locality.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the Bil Route Canal is lower than the other khal that has been silted up?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I have nothing more to add to what has been already stated in the answer.

Congestion in front of cinema houses interfering with traffic.

33. Babu PROFULLA KUMAR GUHA: (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that some of the cinema houses in Calcutta have become nuisances to the public owing to obstructions being caused by intending visitors to those cinemas;

(*ii*) that such obstructions are caused to traffic, specially vehicular, for the reason that the cinema owners do not provide for a sufficient number of windows for sale of tickets; and

(*iii*) that the Police take no action as to such obstructions of the main roads?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate putting pressure upon the cinema-owners by requiring them to book the cinema-goers of all classes in advance or increasing the number of counters so that there might be no congestion prior to the performance?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) and (*ii*) Complaints have been made of the obstruction sometimes caused outside cinema houses by purchasers of tickets.

(*iii*) No. Such action as is possible is taken.

(*b*) The owners cannot be compelled to require their customers to book seats in advance. The question of the number of counters will be examined, but in some cases extra counters have been opened to relieve congestion.

Location of Eyerpore Joint Sub-Registry office at Rangilabad.

34. Mr. A. F. M. ABDUR RAHMAN: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether he has received a representation from the local people praying for the transfer of the Eyerpore Joint Sub-Registry office from Rangilabad to Eyerpore in the 24-Parganas district?

(*b*) Is the Hon'ble Minister considering the desirability of instituting an inquiry into the grievances of the local people either personally or by the Inspector-General of Registration or by the District Registrar?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) A resolution passed by the 24-Parganas Moslem Association was submitted to Government in 1929. A similar resolution was received by the Inspector-General of Registration on the 3rd September, 1931.

(*b*) The District Registrar made inquiries on both occasions and Government do not propose to make any further inquiries. Eyerpore is only about one and a half miles from Rangilabad.

Muslims in the ministerial services in the Civil Courts.

35. Khan Bahadur Maulvi ALIMUZZAMAN CHAUDHURI: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing the representation of Muslims in the ministerial services in the various courts of the districts in this province at the end of 1931 or at such other latest date for which figures are available.

The Hon'ble Mr. W. D. R. PRENTICE: A statement for the Civil Courts is laid on the table.

Statement referred to in the answer to unstarred question No. 35 showing the representation of Muslims in the ministerial services in the Civil Courts in the Presidency.

	Districts.	Total number of ministerial appointments.	Total number of Muhammadan ministerial officers.
1	Birbhum	74	22
2	Bankura	75	12
3	Midnapore	177	26
4	Burdwan	95	25
5	Hooghly	154	21
6	24-Parganas	234	43
7	Nadia	115	28
8	Jessore	125	36
9	Khulna	114	15
10	Murshidabad	87	24
11	Faridpur	161	46
12	Dacca	192	66
13	Bakarganj	172	43
14	Mymensingh	223	77
15	Pabna and Bogra	96	38
16	Rangpur	110	27
17	Dinajpur	93	30
18	Rajshahi	78	27
19	Chittagong	120	47
20	Tippera	172	63
21	Noakhali	110	44

Usurious Loans Act.

36. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) how many applications for the immediate amendment of the Usurious Loans Act with a view to fixing the maximum rate of interest have reached the Secretary to the Judicial Department up to the 15th January, 1932; and

(*ii*) whether the Government are considering the desirability of—

(*a*) taking the necessary sanction of the Government of India; and

(*b*) introducing a Bill for an early amendment of the said Act?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) The information asked for is not available and could not be obtained without a laborious inquiry which the Government regret they are not prepared to undertake.

(*ii*) The whole question is under examination as the result of a resolution moved in the Legislative Assembly by Sir Muhammad Yakub on 17th September, 1931, and Government have not yet reached their conclusions on this most difficult and intricate subject.

Maulvi ABDUL HAMID SHAH: Is the Hon'ble Member aware that petitions signed by a number of persons have been received by Government in that connection?

The Hon'ble Mr. W. D. R. PRENTICE: Petitions have been received by Government.

Muhammadan sheristadars in Mymensingh Judge's Court.

37. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of Muhammadan *sheristadars* employed in the Judge's Court in the district of Mymensingh from the years 1910 to 1931?

The Hon'ble Mr. W. D. R. PRENTICE: Nil.

Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member be pleased to state whether Government are willing to consider the matter?

(No reply.)

Muslims in the Bengal Secretariat.

38. Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member in charge of the Finance Department be pleased to state what is the present proportion of Muslims in each of the following cadres of the Bengal Secretariat:—

(*i*) Upper Division Clerical Service;

(*ii*) Stenographers;

(*iii*) Lower Division Clerical Service; and

(*iv*) Typists?

The Hon'ble Mr. A. MARR: (*i*) 25·7 per cent.

(*ii*) Nil.

(*iii*) 35·6 per cent.

(*iv*) 27·1 per cent.

Supply of boxes to the prisoners.

39. Maulvi SYED JALALUDDIN HASHEMY: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that last year divisions I and II prisoners were not supplied with any boxes or such other things for keeping their clothings and other equipments supplied by the jail authorities?

(*b*) Is it a fact that many clothings and other things of the jail authorities were lost from the prisoners during the period in many jails specially in Dum Dum Special Jail?

(*c*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of sanctioning boxes or such other things for their use?

The Hon'ble Sir B. B. GHOSE: (*a*) Yes.

(*b*) No complaints of loss of clothing or other things were received

(*c*) No.

Maulvi SYED JALALUDDIN HASHEMY: Is the Hon'ble Member aware that prisoners placed in division I are allowed to use their own clothings and to have their own equipments brought from outside?

The Hon'ble Sir B. B. GHOSE: I would ask for notice.

Maulvi SYED JALALUDDIN HASHEMY: Is the Hon'ble Member in charge of the Jails Department aware of the fact that division I prisoners are allowed their own clothings but are not allowed to use their own suit-cases?

Mr. J. CAMPBELL FORRESTER: Will the Hon'ble Member be pleased to state if it is a fact that a largely signed petition has been received by him from the inhabitants of Dum Dum complaining about the nuisance created by the noise of the political prisoners confined in the Dum Dum Jail?

The Hon'ble Sir B. B. GHOSE: I am not aware of that fact.

Motion for adjournment.

Mr. B. C. CHATTERJEE: I rise to move my motion for adjournment of the House.

Mr. PRESIDENT: Let me read out to the House the terms of the motion:

"That the business of the Council be adjourned to discuss the situation arising out of the condemnable attempt made on the life of His Excellency the Governor of Bengal at the annual convocation of the Calcutta University on the 6th February, 1932, necessitating such actions on the part of the Government of Bengal as will lead the authorities concerned immediately to transfer all the portfolios of the Presidency to popular Ministers, responsible to the Legislature, with a view successfully to combating, and ultimately eradicating the menace of terrorism in Bengal."

Is there any objection to leave being granted to Mr. Chatterjee to move that motion? (Pause.)

As there is no objection, I shall take it up at 4-30 p.m., this afternoon.

GOVERNMENT BUSINESS.

Report of the Bengal Legislative Committee on Public Accounts on the Appropriation Accounts for 1929-30.

The Hon'ble Mr. A. MARR: I beg to present the report of the Bengal Legislative Committee on Public Accounts on the Appropriation Accounts for the year 1929-30.

Dr. NARESH CHANDRA SEN GUPTA: May I make an observation on this report? Sir, year after year we are receiving these reports from the Public Accounts Committee. It is presented in a cryptic form. Is it too much to expect that the report should be published in such form that hon'ble members in this Council could have it in a self-contained document and obtain from it the information necessary in order to enable them to criticise the report? As a matter of fact, looking into the report itself we find that by itself it does not enable one to know what has been done by the Committee to understand it, one has to read several pages of the proceedings of the meetings held which again cannot be understood without reference to the other bulky volume, the Appropriation Report. Side by side with this I might refer to the report of the Auditor-General which is an illuminating document, very illuminating at any rate by the side of our Committee's report, which, for all the information it conveys to hon'ble members might as well have been printed in Hebrew.

The Hon'ble Mr. A. MARR: As far as I can make out, Dr. Sen Gupta's objections are that the reports should be more self-contained. Apparently what he wants first of all is that the Appropriation Report and Accounts should be included in the Auditor-General's Report. Then he wants the Report of the Public Accounts Committee along with the proceedings of the meetings from day to day to include the Auditor-General's Report and the Appropriation Report. What he has also asked for is to have the final conclusions of the Committee. We have given the final conclusions of the Public Accounts Committee. We have given the proceedings of the daily meetings of the Committee. We have given the explanations of all the items in the Appropriation Report. We have given the Auditor-General's Report and we have also given the Appropriation Report. What on earth else can be wanted, I for myself do not know.

Rai Dr. HARIDHAN DUTT Bahadur: Sir, I take this opportunity of supplementing the Hon'ble Finance Member's remarks. I would point out to my friend Dr. Sen Gupta that at the beginning of the report there are five printed pages in which the whole thing has been summarised. My friend has apparently forgotten to look into the first few pages of the proceedings of the meetings of the Public Accounts Committee. The whole thing has been summarised in pages 5 to 11.

4 p.m.

Dr. NARESH CHANDRA SEN GUPTA: May I make a personal explanation, Sir? I am afraid I did not say anything like what the Hon'ble Mr. Marr has put into my mouth.

Mr. PRESIDENT: Very well, that will do.

EXCESS GRANTS.

30.—Scientific Departments.

The Hon'ble Mr. A. MARR: Before I move the actual demands, Sir, with your permission, I should like to repeat what I said last year regarding these excess grants. After the budget year is finished, the accounts are made up by the Accountant-General, and if he finds that any grant in the budget has been exceeded, he brings the fact to the notice of Government and it is one of the principal duties of the Government to bring it to the notice of the Committee on Public Accounts of this House and it is for them to examine into those excesses and satisfy themselves of the causes of the excesses before reporting to this Council. That report is then laid before this Council as has just now been done, and the Council is then asked to vote on each such excess grant. In doing so, up till now it has always been the convention that the Council accepts the Public Accounts Committee's recommendations and I may mention that this convention has been adopted from the proceedings in the Houses of Parliament.

On the recommendation of His Excellency the Governor, I beg to move that an excess grant of Rs. 99 be voted by the Council to regularise the expenditure actually incurred in excess of the voted grant in the year 1929-30 under the major head "30.—Scientific Departments."

That excess grant has been fully explained in the first part of Appendix IV of the Report which I have just submitted. It is a very small excess, *viz.*, Rs. 99 only, and is due to two causes. The first is that the grant to the Asiatic Society which should have been drawn by the Society in the month of February was not drawn till April and therefore the charge could not be shown in the former year, and the expenditure was accordingly debited to the year 1930-31.

On the other hand, the Dacca Museum, for which there was a provision of Rs. 500 in the revised estimates, was able to earn the full amount, and drew Rs. 1,500 under the terms of their grant, as against the Rs. 500 provided in the revised estimates. The Public Accounts Committee have fully examined this excess of Rs. 99 and are satisfied that it is quite in order and recommend that this demand be passed.

The motion was put and agreed to.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that an excess grant of Rs. 1,64,262 be voted by the Council to regularise the expenditure actually incurred in excess of the voted grant in the year 1929-30 under the major head "45.—Superannuation Allowances."

This excess grant has also been fully dealt with in the Second Part of Appendix IV to the Public Accounts Committee's Report. This was a matter of adjusting the accounts after the year was over. On the one hand we recover from other provinces pensions paid to their servants residing in Bengal, and on the other we have to pay to other provinces pensions paid to servants of our Government residing in those provinces. We can only guess these figures and the actual figures have got to be adjusted later. In this adjustment of expenditure we find that in this particular year we had to make more payments to other Governments than we anticipated. The Public Accounts Committee have gone into this matter and are quite satisfied that the accounts are in order and recommend that they should be passed.

The motion was put and agreed to.

[At 4 p.m. the Council was adjourned for prayer and it reassembled at 4-15 p.m.]

DEMAND FOR GRANT.

43.—Famine Relief.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,95,000 be granted for expenditure under the head "43.—Famine Relief" in 1931-32.

Haji BADI AHMED CHOWDHURY moved that the demand for Rs. 1,95,000 under the head "43.—Famine Relief" be reduced by Rs. 100 (to draw attention to the famine conditions in Chittagong created by gradual but unexpected fall in the price of paddy).

He spoke in Bengal, the English translation of which is as follows:—

"Paddy which is the staple produce of Chittagong District is being sold now at Re. 1 or Re. 1-4 per maund. It has thus come about that it is impossible to pay Government the revenue of an acre of land even after selling all the produce of it. This year in Bekaini Nayabad Estate the original cess has been increased four times in fresh assessment. When this was done the price of paddy was Rs. 4 per maund. Unless this assessment is reconsidered and the realisation of half the revenue is postponed no *zamindar*, *talukdar*, *jotedar* or *raiyat* of Chittagong will be able to keep his holding. As all paddy has been sold by the *zamindars* at a cheap rate for the realisation of the rent many people are about to starve. Government have admitted in their reply to the

starred question No. 26 that the price of paddy has fallen in Chittagong, but the assessment of the cess is based on the past price. In order to draw the attention of Government to these circumstances and with a view that the symptoms of famine may be dealt with by them I move this motion for the reduction of Rs. 100 from Rs. 1,95,000 set apart for the Famine Relief Fund."

The Hon'ble Sir B. B. GHOSE: With great respect to the mover of the cut I must say this that there are no famine conditions in Chittagong because no one has asked for agricultural loan nor has the District Board asked for test works to be opened or for gratuitous relief. It is true that in five or six villages there is distress, but the agriculturists have been compensated to a large extent by the good harvest. Non-agriculturists have been benefited by the fall in price. If there were famine conditions in the district they might have approached the local officers and the District Board for opening of test works. If any loan be necessary to enable the people to produce their crops agricultural loans can be granted. If there is severe distress in any area, test relief works can be opened, but it is absolutely unnecessary to do so specially when there is no demand for such works. On this ground I hope the mover will withdraw his amendment.

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that the demand of Rs. 1,95,000 under the head "43.—Famine Relief" be reduced by Re. 1 (to raise a discussion on the present economic distress in the country).

It is a fact that there is acute economic distress in this country. It is also a fact that it is beyond the range of the Government of Bengal, nay, of the Government of India, to cope with the distress. It is also a fact that this economic distress is not only confined to India but it is world-wide.

My intention in moving this amendment is simply this: that there is a lying and immoral propaganda in the mufassal carried on by district officers, subdivisional officers, and police officers to the effect that this economic distress, particularly the fall in the price of jute and paddy, is due to the Congress movement. I do not know who is responsible for this lying propaganda among the masses. The result of this propaganda is that the masses are taking drastic action against the middle-class people. I have heard with my own ears in my own district and in other districts as well responsible officers, I mean district magistrates, subdivisional officers and police officers in public meetings taking recourse to this sort of propaganda. I want to know from the Hon'ble Member whether any demi-official circulars or instructions have been issued to these authorities. Is it not a fact that this depression is due to the world-wide economic distress? If that be so, Government

should make its position clear by a statement on the subject that it is impossible or beyond the power of the Bengal Government to cope with the situation.

The Hon'ble Sir B. B. GHOSE: It is a fact that the grant is required for gratuitous relief under Chapter VIII of the Bengal Famine Code. But the mover has raised a point as to whether Government have issued any instructions to District Officers to the effect that they should carry on a propaganda against the Congress in the mufassal, and in reply to this I can only say that no such instructions have been issued. Although the intention of the mover is apparently good the result of the cut would be this: If we want any extra payments to be made during the current year we cannot ask for fresh appropriations. As the hon'ble member may be aware money is required for test relief works and for gratuitous relief as well. At present test relief works are going on in Pabna, Mymensingh and Bogra and Government have allotted since the floods a total sum of Rs. 1,35,560 for the purpose to districts in which there were floods in July, 1931. Government have not been asked either by the local officers or by the district boards to advance any further sums at present.

The question of the general economic distress in the country cannot be said to arise in connection with the amount of money required for test works. Gratuitous relief is being given at present in certain areas subject to the provisions of the Famine Code. Since the floods Government have allotted a sum of Rs. 62,350 for the purpose. I submit, therefore, that the member will do well to withdraw his amendment.

The motion of Maulvi Syed Jalaluddin Hashemy was then put and lost.

The motion of Haji Badi Ahmed Chowdhury was then, by leave of the Council, withdrawn.

The motion that a sum of Rs. 1,95,000 be granted for expenditure under the head "43.—Famine Relief" in 1931-32 was then put and agreed to.

4-30 p.m.

Motion for adjournment.

Mr. B. C. CHATTERJEE: The motion which I have the privilege of moving before this House is—

"That the business of the Council be adjourned to discuss the situation arising out of the condemnable attempt made on the life of His Excellency the Governor at the annual Convocation of the Calcutta

University on the 6th February, 1932, necessitating such action on the part of the Government of Bengal as will lead to the authorities concerned immediately to transfer all the portfolios in the Presidency, to popular Ministers responsible to the Legislature, with a view to successfully combating and ultimately eradicating the menace of terrorism in Bengal."

Sir, before I come to the actual resolution I shall begin by an appeal to the House not to try to raise merely debating points against what I am going to submit to the members of this House for their consideration. I hope they will judge me by the truth, the substance of what I am going to put before them, and not merely emulate the spirit of the lawyer who is always ready with a case against his opponent.

Now, the point is this: whenever an outrage takes place, it is condemned—and I think it is perfectly right that we should condemn it; and to-day we have condemned this outrage—this attempt which was made on the life of His Excellency the Governor. As I have often said, His Excellency is one of those very few Englishmen in India of whom it could be said "In spite of all temptations he remains an Englishman." But I am afraid mere condemnation does not carry us very far. Resolutions condemning these acts have been broadcast all over the country, and yet these crimes are being committed. Our condemnation does not seem to have any effect on those who are in this movement. It is from this point of view that I am going to ask the Council to consider some measures which may have the effect of cutting the ground away from under the feet of the men—and unfortunately I have to say, the women—who are carrying on this movement.

The first thing which occurs to everybody is that the only way to prevent these outrages is by repression: Have recourse to ordinances; have strict measures to deal with this movement in an effective way: take the movement by the throat, as some advisers of Government have told them, and so forth. But if I am to bring my earlier experience of the revolutionary movement of 1907 to 1919 to bear on this question, I venture to warn you that no repression can really stop a movement of this nature; and the reason is obvious. It is abundantly clear now that even the parents of the boys and girls who are carrying on this movement are not aware of their doings until some day some of them manifest themselves with revolvers in their hands. It has been proved time and again that parents were honestly in absolute ignorance of what their children were doing until one of them was found with a revolver. And the police, too, know very little, necessarily, of all the circumstances of the movement which is going on in the country, except that a certain number of spies of

Government who go and manage to mix up with some of these revolutionary youths, are thereby enabled to convey some information, some warning, to Government—with the result that Government is enabled thereby to save a life here and there. These spies and men of this nature can naturally get only an infinitesimal portion of the real information regarding the activities of the people engaged in this movement. For the purpose of getting hold of some of the youths and putting them into jail or interning them or putting them under any other species of restriction you rely on this information, but a larger number of them necessarily remain untouched. That is obvious, and in the nature of things must be so. I am not here to say that Government must not take the movement by the throat, but I wish to make a suggestion—a suggestion which, in the earlier era, I had the privilege of putting before the Rowlatt Committee with reference to the movement which was prevailing at that time. I am afraid, I got small thanks at that time for suggesting that the only real solution for the situation was the introduction of some kind of free institutions in India and the grant of a general amnesty. I am afraid most members of the Rowlatt Committee did not like my suggestion. I am sorry, Sir P. C. Mitter is not here, otherwise he would have confirmed what I have said. Fortunately, however, there were two men in authority whom I found agreeing with me. The first was Lord Carmichael. He took up the idea and agreed with me that it was not possible to kill this movement except by some sort of constructive measures which would cut the ground away from under the feet of the revolutionaries. He lent all his authority in support of this idea. Later on, when Mr. Montague came to India, I had the privilege of putting this idea before him, and I am glad to find that he has left an account of it in his diary. He also agreed with me, and in the end, Sir, we had the introduction of free institutions in India in the shape of the Reforms under the Government of India Act, which was passed in 1919, and we also had an amnesty granted to the then revolutionaries, some of whom were in the Andamans and others in the deportation and internment camps. And it is a well-known fact that 95 per cent. of the men who came back after the institution of the Reforms have kept on the side of peace and order, and it is only about 5 per cent. of them—I hope Mr. Prentice will check my percentage—who have failed to keep their word. What I would emphasise is that 95 per cent. of the men who came back have since kept away from the revolutionary movement. My suggestion in the light of those facts is that apart from the repressive measures that you have adopted, adopt some constructive measure which would cut away the foundation of this movement. We all remember how this new movement came into being. After the Reforms had been introduced, but before they got going, Mr. Gandhi appeared on the

scene, and he wanted to have a little agitation on his own; and so he started a crusade against the Reforms, appearing before the public in a costume which was calculated to appeal to the masses; and he succeeded in the end in mobilising the latent superstitions of his people. The cry of "Mahatma Gandhi Ki Jay" filled the whole country. I warned Mr. Gandhi at the time in a series of open letters that his policy was too negative to lead to any result, and that the terrible spirit of discontent he was summoning to life would be bound, on his failure, to sprout up into a second revolutionary movement. But the feeling in the country was at fever-heat, and my words were unheeded. I am not animated by any feeling against Mr. Gandhi, but I say that the Gandhi movement has led to nothing, unless the ploughing of sands be considered to be something. The inevitable discontent arose in the wake of the non-realisation of the promises made by Mr. Gandhi; and the discontent went underground.

Now, Sir, I am in a much stronger position to-day in making the recommendation embodied in my resolution than I was in 1914. We have the fact confronting us that Great Britain has already definitely promised us provincial autonomy—full provincial autonomy—and some measure of responsibility also in the Central Government. We have got that fact definitely established. That being so, I am going to ask that in order to kill this movement, in order to remove the causation of this movement, you should at once transfer all the portfolios of the provincial Government to Ministers responsible to this House. I am making a suggestion which is well within the scope of the promise which has already been made to us by Great Britain, and which, therefore, ought to be accepted much more easily than my suggestion for the introduction of free institutions and for a general amnesty could have been accepted in the year 1914 and after. There was much more obstacle then than now. The point I make is this: I say that if you make over all the portfolios to Ministers responsible to the people to-day, you would kill two birds with one stone. Firstly, you will kill the civil disobedience movement, and secondly, the revolutionary movement. My reason for saying that it would kill the civil disobedience movement is that our Swarajist friends have a very keen eye for detecting, and a ready faculty for co-operating, whenever there is a real transfer of power. My father-in-law, the late Sir Surendra Nath Banerjea was at the height of his unpopularity at the time when he passed the new Calcutta Municipal Act, whereby all the power of governing Calcutta was transferred to the people of Calcutta. The measure enacted by him was however a very popular one, and as soon as it was passed the Swarajists permanently installed themselves in the Corporation; they have sat there ever since, and you cannot get them out of it. That is a hopeful precedent. Here is an example

which ought to encourage us. It would justify me in predicting that when the Swarajists find that power has been transferred to the popular representatives on the Legislative Council, they will at once rush into it and seize that power. Although the source of the legislation was not to their liking, still the Swarajists, including the late Mr. C. R. Das, went in and filled such posts as those of Mayor and Chief Executive Officer without turning a hair. I am sure, Sir, that when the Swarajists find that all the portfolios have been transferred to the people's representatives they will make a rush for the Council.

4-45 p.m.

As I have already stated, I say this in the light of the precedent created by the Swarajist party on the Corporation. Some people may be saying to themselves that they are not particularly enthusiastic at the prospect of the Swarajists coming in to rule Bengal: but, Sir, I would point out that if the Swarajists come here, the civil disobedience movement will disappear. In this connection I am very much encouraged by the speech which was made by Mr. Naliniranjan Sarkar—the financial head of the Swarajist party. In his speech presiding over the Mahajan Sabha he said:—

"It seems to me that the practical steps that may serve to remedy the very difficult situation that has arisen are these: the immediate grant of full provincial autonomy to be closely followed by responsibility at the centre."

Now, Sir, "the immediate grant of full provincial autonomy" is the expression that he used. What I am suggesting would be tantamount to the immediate grant of provincial autonomy. In the second place, by granting this, you would put an end also to the revolutionary movement. At the present moment the revolutionary sees that the masters of this Government are the British officers—the members of the Civil Service: that the really operative and effective part of the Government of Bengal is Mr. Prentice first, and Mr. Marr and the two other gentlemen on the Executive Council next, and that they are far more powerful than the three Ministers who sit to their right. But when they find my friend, Mr. Narendra Kumar Basu giving an order, and an English Commissioner or an English District Magistrate merely carrying out Mr. Basu's order, then if there is any trouble with the order, they will make trouble with Mr. Basu, and not with the English officer who has been merely carrying out his order. That is my point. Of course, Mr. Basu will have an interesting time when he will get up to justify his action against the gentlemen who will disapprove of his action. If you say in reply, that instead of Mr. Prentice you will merely place Mr. Basu in danger, I say that it is time that Bengalis faced this danger. At the present moment, the

Englishman in charge of the public security portfolio is in a very difficult position; he is attacked from the front by ourselves, and at the back by the anarchists; that is his position. What I say is this: get rid of the attack from the back; remove yourselves from the position you have been occupying, and present Bengal with the spectacle of British officials carrying out the orders of Bengali Ministers; and that very sight will have a dissolving effect on the mentality which makes revolutionaries. In any case, British officers will render themselves immune from attacks by revolutionaries. If Mr. N. K. Basu, or Mr. J. N. Gupta or Mr. J. N. Basu has the responsibility transferred to his shoulders——

Maulvi SYED JALALUDDIN HASHEMY: If I become a Minister I would not like to have such responsibility.

Mr. B. C. CHATTERJEE: Perhaps, my friend Mr. Hashemy is already feeling afraid. If a man has fear in his heart, let him not enter this place, far less take up responsibility. But my point is this. This is that one measure by which you will be able to effect a change in the present state of affairs; by which you will have the civil disobedience movement ended and the anarchist left without any ground under his feet.

Now, Sir, the objection that will be hurled at me will be that you cannot effect such a change without a fresh Government of India Act; and that you cannot have that until the Committees of the Round Table have finished their labours, and the Round Table itself has reported to Parliament. My answer is that I quite realise that position. But I am asking for a transfer of the portfolios under the present Government of India Act. The highest legal opinion available in England is that you can under the present Act, transfer all the portfolios to Ministers except one. My suggestion is: Why not transfer all the portfolios including that of "Law and Order," save and except say, that of the Department of Forests which might be directly managed by the Governor with the aid of a Secretary. You can transfer all the departments not excepting that of "Law and Order"——

The Hon'ble Mr. W. D. R. PRENTICE: On a point of order, Sir. This has nothing to do with the resolution which has been brought up before the House.

Mr. PRESIDENT: Of course, the mover can in his speech amplify his arguments.

Mr. B. C. CHATTERJEE: It is fortunate that the members of the Civil Service are not much of lawyers. And so when a member of that

Service rises on a point of order, it generally amounts to a point of disorder. As I was saying, Sir, I would ask every one, my English and Muhammadan friends, to consider this matter, and see whether you cannot do it. It is worth while trying a measure which will have the effect of making Swarajists quiet and bringing revolutionaries to reason and also of reviving the chance of British goods being sold in Bengal once more. (Laughter.) In the new state of affairs in which the Swarajists will come in as Ministers of this Government, you will be able to raise the cry legitimately "Buy Indian first and English next." The real difficulty is that the great Civil Service bars the way. When I speak of the Civil Service, I am perhaps doing a bit of injustice. That Service is at present divided into two classes, the class of younger men, who believe in serving India and the older class who believe in ruling India. The distinction between these two classes is very very great. From my own personal experience and contact with the younger generation of the Civil Service, I find that they are finely animated with the spirit of serving India. When I come in contact with the older generation, I find that they are—what shall I say?—more for Cæser than for Christ. But I do appeal to them—the die-hards amongst the Civil Servants to realise the significance of the spiritual miracle which happened on the 20th of August, 1917—the day on which England cast off her Imperialism, and said in the hearing of the whole world that she no longer wanted India to be a vassal or a slave, but that she wanted on and from that day to Christianise her relationship with India and put her on terms of equality with herself. Was it not a miracle, did it not bear witness to one of the greatest transformations of the human spirit in history? I felt at that time that it was a fresh conquest of Cæser by Christ; and to-day I will take the House into my confidence and give voice to the cry that broke out from the depths of my soul on that day. When a Cabinet containing Lord Curzon—who had always laid down the doctrine that for as long as he could see into the future India must remain under the personal rule of Englishmen—made that declaration of India's freedom, the cry that arose out of my soul was the old, old cry of the Roman Emperor, Julian: "Thou conquerest still, Oh pale Gallilean." It is in that spirit and in that faith that I have always fought for the Reforms and defended them against attacks by all and sundry. To-day I would also ask the Civil Service to remember that the master whom they serve is no longer Cæser but Christ. Cæser has gone out of India ever since the 20th of August, 1917; and let them not present the sorry spectacle of hugging the husk of imperialism after the kernel has gone out of it. What is the use of clinging to the husk when you know the kernel is gone? Do you not thereby merely show yourselves incapable of being in tune with the new spirit of Christ which is abroad in India in place of the old spirit of Cæser? I am just aware that many people would be saying that I should not bring religion into politics, and that these should be kept

absolutely apart; but they forget that in reality the two hold together. I am sure there was much more than mere selfishness, that there was the spirit of religion, there was much idealism behind the declaration which was made on the 20th August, 1917. What are you going to do? If you go on repressing, what is going to happen? History will repeat itself. Repression went on from 1907 to 1915; but the movement sought to be repressed ramified all over India, and in the year 1915, the revolutionary party got hold of the whole of the Indian Army from Dinapore to Peshawar. Mr. Prentice can verify every word of what I am saying from materials in his possession. On the 19th February, 1915, there was going to be a mutiny of Indian soldiers in the area between Peshawar and Dinapore which would have meant a horrible massacre; and it only fell through because of the efficiency of the British Intelligence Department. Another mutiny was organised in Meerut, and all but took place in March, 1915. You cannot suppress a revolutionary movement by repression, and I am afraid that if you merely go on repressing you will have a multiplication of this revolutionary movement. Just think of the squalls you are facing. There is the greatest danger of racial reprisals. The Britishers who are human may be betrayed into acts of retaliation as they see their countrymen falling down, one after another, with bullets in their backs. The Europeans in Chittagong appear to have been betrayed into retaliatory acts. Feelings may be so embittered before the contemplated reforms come that nobody will look at them when they do come. There is the further consideration. It appears England is pledged to give us provincial autonomy. Would it not be a trifle absurd if she asked us all of a sudden, on the 1st January, 1934, to take over the whole responsibility of provincial autonomy without giving us a chance of exercising the responsibility for maintaining law and order in the intermediate period? Give this responsibility now, see if we make a success of it, as I hope we shall; if we do not, the reforms to be instituted will have to be on different lines. This is the time to test us; let us satisfy the test, and let us have complete provincial autonomy after that. Therefore, Sir, with all these considerations in view, I appeal to the House to carry this resolution.

Reverend B. A. NAG: I cannot too strongly oppose the unwisdom of introducing such a resolution at such a time and in such a manner. The unwisdom firstly consists in coupling the first and the second halves of the motion together. We all agree with the first half. We all sympathise with His Excellency the Governor and Lady Jackson.

Mr. B. C. CHATTERJEE: On a point of order, Sir. What is the first half and what is the second half in the motion?

Mr. PRESIDENT: It has got to be taken as one entire motion.

Reverend B. A. NAG: All right, Sir, as it has been placed before us by the mover himself, the whole thing is so unwise at this time, because first of all it gives the terrorist a certain kind of solace to their troubled consciences that after all they have a grievance, and that grievance is that the portfolio is in the hands of a European member. It is time that we talked and moved in a way which will effectively stamp out terrorism from this country, but when we characterise an attempt at murder or murder itself as patriotic in its purpose——

Mr. B. C. CHATTERJEE: On a point of order, Sir. I have never done that; that is doing a very grave injustice to me, he should withdraw that. I am as much against murder as anyone else.

Reverend B. A. NAG: I believe that Mr. Chatterjee understands that I did not refer to his speech; but it has been done in this Council.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. The hon'ble member has stated that in this House he has heard murder extolled. I have been here for over two years, but nobody in this House has ever extolled murder, but on the contrary, it has always been deplored and condemned.

Mr. PRESIDENT: Mr. Nag, you were wrong and you must withdraw those words.

Reverend B. A. NAG: As you have ordered me, I withdraw, but you will find it in the printed report; it is not with us yet, it may come to our hands in about two months time. Secondly, they believe, they might be led to believe, they are likely to believe that after all, the Council members are not so opposed to their action, since because of their actions they were pleading with the Council to do certain things which would placate them. So I say that it is most unwise to introduce such a motion at this time which will give the terrorists any idea that there is anybody in this Council who will in any way have any sympathy or any appearance of sympathy with these people. Secondly, to take the thing by itself. Supposing an Indian has the portfolio of law and order; I have no objection to that, I am not supporting that a European should have it. If this motion were moved a year ago, without any reference whatever to any terrorist action, I would have supported it. I would say by all means let us have it, but what I complain against, is the unwisdom at present of introducing such a motion. On the other hand, I would say that the terrorists are no respectors of persons, they have killed Indians as well as Europeans. Moreover, I would like to know whether any of the existing Ministers

or anybody who may yet be appointed, would very much appreciate the offer that is intended in the resolution moved before us. The terrorists have not got Mr. Prentice's brothers, sisters or cousins in this country, to wreak their vengeance upon them, but the Ministers have all their relations in this country, and I would say, woe unto the Minister who would be called upon to introduce ways and means to check the terrorist movement. I have heard of a friend of mine, whose only fault has been that he has not supported the popular movement, and has always opposed the laudatory motions in favour of some of the murderers that he has received a letter, a threatening letter, from the terrorists that his life is in danger. I heard only last week that an Indian police officer got a letter that it was not their purpose to kill Indian policemen, but if they stood in their way, they would not hesitate to kill them. Terrorists are no respectors of persons. Mr. Chatterjee's idea that transferring the portfolio from one man to another is a sufficient panacea for all the evils, is certainly mistaken——

Mr. B. C. CHATTERJEE: Sir, the speaker is very inaudible.

Reverend B. A. NAG: Sir, if the Indian member will have the portfolio, still the person behind the Indian member is the Governor himself, and how does it remedy the evil unless it is demanded that the Governor should be the one who ought to be the constitutional Governor responsible to the people of this country? But he would be still there and therefore I say that the introduction of this motion at this time is very unwise, particularly unwise in this Council where the members have been indulging in their pastime of Ministry-breaking. I would like to see a Minister with the portfolio of law and order coming to this Council and every time motions of no-confidence being brought before the Council, if the Swarajists are here, and Mr. Chatterjee assures that they will be here if his resolution is carried, the motion will be carried, and the Minister would be nowhere. Is that the kind of thing Mr. Chatterjee expects? I hope not.

I would appeal to the members of this Council, one and all, let us not simply indulge in passing resolutions about murders and terrorist movements, but let us try and stamp out this movement of terrorism. This resolution of Mr. Chatterjee's is a popular one, and I can understand that anyone condemning it here will be condemned elsewhere, but that does not matter. We have our responsibilities in the matter; the situation is very grave and the country at large ought to know that there is no sympathy whatever in any way with the terrorist movement, and we do not agree that the transfer of the portfolio will do any good at this stage. Another important point is that this speech of Mr. Chatterjee's will give the terrorists an idea, the outside public an idea, that the thing happened because Mr. Prentice was in charge of

the portfolio, and if an Indian Minister had been there, this would not have happened. That is certainly very unfair to Mr. Prentice. With these words I oppose this motion.

Mr. W. C. WORDSWORTH: Mr. President, Sir, there is no one in this House who does not deplore with Mr. Chatterjee the tragic occurrence, fortunately not calamitous, in the Senate House the other day, but there are quite a number, and among them the European group for which I speak, who fail to draw with him the same practical conclusions. We know that an attempt was made to murder our Governor, we can rejoice that it failed and we can take pride in the courage of the Vice-Chancellor, without believing that it is necessary, because of them, suddenly to transfer three or four men from one side of this House to the other. We have of late discussed the condition of the Province; we did so some days ago with, I believe, considerable dignity and considerable responsibility, and it was generally acknowledged by the House, that the Province was in a very unhappy condition. A few days later there occurred the events at College Square. How can we believe that the proposal put before us now by Mr. Chatterjee would prevent any recurrence of the terrible attempts, and crimes which have taken away from us many men whom we have rejoiced to know as intimate friends? We agree with Mr. Chatterjee in his desire to see the Province happy, to see the cure of this terrible poison, but many of us, I imagine, do not agree with him in the prescription he would advise. How can the substitution of Ministers for Executive Members improve the situation? Mr. Nag has raised certain very pertinent points. May I emphasise one consideration he made that, unfortunate as Mr. Prentice's situation is, in that he is subjected to all kinds of attack and all kinds of importunities, he is happier than any Indian Minister responsible to this House or to the public would be in his situation, in that he is spared the social importunities to which any Indian Minister in his place would be subjected. There are many here who assume that sooner or later the Treasury Benches in our Council will be occupied entirely by Ministers responsible to the legislature. I have no wish here now to say anything that may be interpreted as either approval or disapproval of that possibility. These matters are under consideration elsewhere, and our present discussion is not on the advisability or inadvisability of having a Bench entirely of Indians or of responsible Ministers, but on the desirability of having such a Bench at once because an attempt was made on the life of the Governor a few days ago.

5-15 p.m.

This motion is bewildering for that reason. We have again and again discussed the conditions of the Province. The attack on the

Governor is something new in that it was an attack on the Governor, but looked at from another point of view it is but an addition to the Province's long black record, and we have no reason that I am aware of—and we certainly have had no reason put before us by Mr. Chatterjee —to believe that the change he proposes would bring an end at once to these unhappy events.

As many know, I move considerably among Indian students, and spend a great deal of my leisure time in activities connected with the University, the colleges and schools, and I may say here that what happened at the Senate House is felt everywhere by students in Calcutta as a stain on their Province, a stain on their University and a stain on themselves. But what more do we know because of it than we knew a few weeks ago? We knew that there was terrorism in Bengal, we know that there is terrorism, and we fear that there will be terrorism. We know little else. Mr. Chatterjee has tried to persuade that the terrorist mentality is such that a change in the constitution of this Council, a change in the constitution of our Government, will lead to a change of mind and temper and outlook in themselves and enable us to put behind us as an unpleasant, a tragic, memory all that has been happening for the last two years.

But what do we know of the terrorists? Mr. Chatterjee himself said in one part of his speech that the police know practically nothing, and they are specially equipped and specially deputed to know as much as can be learnt about terrorism. All the rest of us can only infer their temper from their activities. That they use school girls as instruments for their heinous purposes just as they have for long used school boys really tells us nothing more, and certainly it does not tell us, it does not justify us in believing, that we should bring about any great change in their mentality by transferring three or four men from these benches here to the bench on the President's right. If Mr. Chatterjee could put evidence before us, if he could convince us that these happy results would follow from the change that he suggests, a much-harassed Government, I imagine, would jump at the idea. For the greatest evil in Bengal of recent years is this terrorism, and the greatest necessity for the happiness and health of the province is to get rid of this terrorism. But while we know nothing about the terrorists except what we see in their activities, have we any reason to believe that they care twopence for this Council or its constitution or the Executive Members or Ministers? How can we believe that the substitution of responsible Ministers for Executive Members, two of whom are Indians, would make any great change in their mentality? Even if it did attract their attention, what reason have we for believing that it will lead to that change of heart and mind that we all desire to see? Mr. Chatterjee asked us not to make debating points. I have tried to avoid them. I wish I could say the same of Mr. Chatterjee. I may refer to one remark

of his. He drew a distinction between Government servants, that there are some who serve and some who rule. May I suggest that his distinction is so subtle as to be unreal? The prime function of a Government is to rule, a Government that failed to rule would be doing bad service to the public, the best service that a Government and every member of Government can do for the country is to give it the best government that is possible (and included in that term "best government" is a defence as efficient as possible against organised crimes and lawlessness and at the same time the doing all that is humanly possible to remove causes of discontent and bring the people back to happy relations with their Government whatever form that Government may assume.) May I, therefore, remind Mr. Chatterjee that while on the one side this Government is fighting as resolutely as it can against this organised crime and lawlessness, it is on the other side doing all that it can to expedite constitutional advance; and we who take any part in public affairs should help this Government both by supporting it in its measures against lawlessness and by contributing to the best of our power to constitutional progress.

Nawab MUSHARRUF HOSSAIN, Khan Bahadur: Sir, I am sorry that my friend Mr. B. C. Chatterjee has brought a motion like this at this inopportune moment. The question about the transference of certain departments, specially of law and order to the popular minister, is not the main problem. The grant of provincial autonomy in the immediate future is assured but the occasion that has led Mr. Chatterjee to suggest such a welcome proposal is what I cannot personally support. He says that the terrorists are committing crimes in the country and the terrorists will be pacified if responsibility be given to the Executive Member in charge of law and order. I do not believe that my friend is right when he thinks that the terrorist outrages will be over if responsibility would be shifted to the popular Minister. My friend probably knows as a matter of fact that these terrorists are not that class of persons who would be pacified for anything less than complete independence. My friend probably knows that the Congress which represent practically the moderate sections of the extremists do not care for provincial autonomy. They will not be satisfied even if provincial autonomy is immediately granted. That being the fact before us and the further fact that the ideal of the extremist section—the terrorist section of the Congress—is complete separation of India from British connection, being well known to the public, I cannot for one moment think that mere transference of power from the executive side to the ministerial side will solve the problem in the least. I do not know for whom Mr. Chatterjee has been speaking. I know he is a sincere gentleman

with fine ideas. Personally I have great admiration for the personality of Mr. Chatterjee. But I fail to understand whom he is representing here when he says that the mere transference of certain powers from one side to the other—responsible both to the legislature and to the Governor—will satisfy the fiery element outside. Had this not been the case, I would have gladly walked with Mr. Chatterjee to the same lobby but I honestly believe—and I think my friend will accept my word when I say that I am really honest in my belief—that this patchwork will not pacify the people whom he wants to pacify. It is not their ideal at any rate of those whom my friend Mr. Chatterjee professes to speak. Mr. Chatterjee has rendered very useful services to his country but I am afraid the people whom he is speaking for do not believe in what he professes, and I accordingly am of opinion that these people cannot be pacified by anything less than independence and as a Muhammadan I cannot accept this proposition of Mr. Chatterjee. That being the case I am not in a position to understand whom Mr. Chatterjee represents in this matter. I am again to repeat that I am constrained to say that I cannot support him. Further, I am really sorry that he has chosen a moment like this for discussing a subject of vital importance. I would accordingly appeal to him that, in view of what I have said, he will be good enough to withdraw his motion, and, if necessary, bring it forward again before another Council—if this Council is not prolonged—and we will heartily support him then; but for the present I would appeal to him to withdraw it.

5-30 p.m.

Mr. NARENDRA KUMAR BASU: From the speeches that we have heard in opposition to the motion this afternoon it appears to me that the opposition is based on not a very firm ground. The opposition that we have heard up till now is that the remedy suggested by Mr. Chatterjee will not reform the terrorist in Bengal. I am quite sure that my friend Mr. Chatterjee in bringing forward his resolution never intended it to be taken that if this resolution were carried and given effect to by the Government, the terrorist movement would cease thereby. But I take it that what he meant by his resolution and what he does still mean by his resolution, is that by taking the measures suggested by him you can stop the recruitment of fresh members to the terrorist gang now. My esteemed friend Mr. Wordsworth has said that if evidence were brought before him that would prove that recruitment to the terrorist gang would be scotched by having recourse to this proposal, then he would accept it. Well, Sir, I am going to bring forward evidence which I submit is

very cogent and very pertinent. Members of this House are aware that the poor girl—I advisedly call her a poor girl—who was the assailant of His Excellency the Governor——

Mr. PRESIDENT: I do not think you should refer to any individual.

Mr. NARENDRA KUMAR BASU: But the resolution refers to that.

Mr. PRESIDENT: The resolution does not refer to any particular person.

The Hon'ble Mr. W. D. R. PRENTICE: The case has been finished.

Mr. NARENDRA KUMAR BASU: The case is over.

Mr. PRESIDENT: So soon as that! why did not you say that at the beginning? However, you may refer to the girl incidentally if you so desire.

Mr. NARENDRA KUMAR BASU: So far as this girl is concerned, she pleaded guilty in the High Court to-day and she made a long statement before the Court and I would ask gentlemen of the Council to read that statement very carefully when it is out in the papers to-morrow if Mr. Prentice allows the publication of that statement. I had the privilege of reading it and I say without any hesitation that it brought tears to my eyes. I can assure you, Sir, and the House through you, that up till now I have never set my eyes on the girl, never seen her, but I have been assured on what I think to be the very highest authority, that she was one of the most God-fearing and gentlest of girls going, that she was a universal favourite in the Diocesan College where she had been a student, that she had been brought up in a very highly religious family and that her mother was a sister of the late Professor Benoyendra Nath Sen, than whom a more saintly man never entered the portals of the Presidency College as Professor. The statement she made in the Court was touching in the extreme, giving reasons for her having taken this step, saying that she was very much sorry for what she had done and was extremely glad that Providence had spared the life of His Excellency the Governor and that of Lady Jackson. She said that thinking of the way in which the country was ruled at present and thinking of the rule of Ordinances, thinking over the incidents at Chittagong and Hijli, thinking of the non-publication of the Chittagong Report (the

Hon'ble Mr. Prentice will believe it that I did not inspire this statement), thinking of the outrages committed in her native district of Chittagong which she said she had never visited, and thinking of the wrong done to her sister who was convicted by Court on testimony which she says was false and put into jail as an ordinary criminal, thinking of all these things, it entered her head that it would be better to be dead than alive in a country like ours, and she thought that the surest way to death would be the killing of some one in authority. She has in her statement apologised to the Calcutta University, and her fellow students, apologised to all sections of the public for her conduct in having behaved like that in the Senate House. I do say that here is evidence to show that the present policy followed in the country is not only not destroying the terrorist movement but is actually aggravating it. Therefore it is high time that Government took the hint and mended the way in which the present government is being carried on. I submit this is cogent evidence in which even Mr. Wordsworth might have trust and this evidence fully demonstrates that the ways of Government are themselves the means of making terrorists. There is absolutely no evidence whatsoever, so far as I know, that this girl had been ever a member of any terrorist gang before, or that she had been caught hold of by any terrorist gang. If her statement be accepted, she was driven to it by the misdeeds of the Government.

Mr. P. N. GUHA: How did she come to get the revolver?

Mr. NARENDRA KUMAR BASU: Mr. Guha wants to know how she got the revolver. Unfortunately I am neither a veracious newspaper correspondent nor a person in the confidence of the girl. I can only tell the House what the girl said in her statement before the Court. There was no question asked about her revolver and how she got it. But I do say that there is nothing to show on record up till now that the revolver had been supplied to her by a terrorist agency and it is very much truer to say that the girl was constrained to doing what was against her better nature and against her whole history and antecedents by the thought of the wrong done to her country. Therefore I say that Mr. Chatterjee is absolutely right when he says that one way to stop the terrorist movement would be to change the mode of government in this country by the transference of law and order and other departments to a popular Minister. It is said that the terrorist does not care what form of government obtains in the country. I quite agree, but I do say that if you cannot make

the existing terrorist harmless, you can certainly stop fresh recruitment to the terrorist ranks by sympathetic and kind treatment by an officer who is not steeped in the so-called traditions of the Indian Civil Service.

The Hon'ble Mr. W. D. R. PRENTICE: I think it is just as well that the Council should know the attitude of Government with regard to this motion. I am afraid when we decided upon our attitude we thought that Mr. Chatterjee would try and make an attempt at a serious contribution towards the discussion of the constitutional problem and not base his appeal on emotionalism and bad taste.

Mr. B. C. CHATTERJEE: (Inaudible in the Reporters' gallery).

The Hon'ble Mr. W. D. R. PRENTICE: However I am not going to pursue Mr. Chatterjee into his discussion of the motives which animate Government officers when they perform the duties with which they are entrusted, nor am I going to follow Mr. N. K. Basu into a discussion of the statement made by the unfortunate girl who has been convicted by the High Court of the outrage, on which Mr. Chatterjee has hung his motion. I got up to raise a point of order and I am sorry it did not appeal to Mr. Chatterjee. I got up to point out the difficulty in which Mr. Chatterjee's change in the form of the motion has landed him and us. He must have forgotten what the exact wording of the motion, on which he was speaking, was. I wanted to point out that the wording of the motion he is now moving, is to transfer all the portfolios of the Presidency to Ministers responsible to the Legislature, whereas in the original form, if he will read it carefully, he did bear in mind the legal point to which he has himself referred, *viz.*, that it would be illegal to transfer all the portfolios. That is a point which he himself made.

Mr. PRESIDENT: What are you referring to?

The Hon'ble Mr. W. D. R. PRENTICE: That was one of his points.

Mr. PRESIDENT: Probably you are thinking of another motion of his?

The Hon'ble Mr. W. D. R. PRENTICE: At least it was one that was forwarded to me by the Council Department.

Mr. PRESIDENT: You are, I am afraid, mixing up the two—they are not one and the same motion.

The Hon'ble Mr. W. D. R. PRENTICE: However, I was going to say that Mr. Chatterjee has himself relieved me of the necessity of discussing the first point to which Government have paid a certain amount of attention, namely, the legality of what he proposes.

5-45 p.m.

Government realise that there is a serious legal question involved on which they have got to take advice and they have not had the time to examine that legal point carefully. That is one of the reasons which has led them to the conclusion that they should leave the matter to the decision of the non-official members of this Council. If the motion is passed they will be glad to examine the resolution in all its details and forward the proceedings of to-day's debate with their remarks to the Government of India for such action as the Government of India may think fit to take. By this they are not to be understood as admitting that the resolution can legally be brought into effect in the form in which it has now been submitted to the Council. That is the first point.

Then we went on to examine how effect could be given to this resolution. Supposing this can be legally done, what are the proper steps to be taken? As I expected, Mr. Chatterjee pointed out that it could be done, if it should be done at all, by the modification of the second schedule attached to the Devolution Rules. Under section 45A of the Act that can only be done by the Secretary of State in Council. When I looked to the Devolution Rules I found that the original rules had been passed with the approval of both Houses of Parliament. Whether this modification is to be made by the Secretary of State in Council with or without the approval of both Houses of Parliament, in neither case can we ignore the fact that the Parliament is already considering the question of how to revise the present system of administration. It has had the Round Table Conference twice in session and in continuation it has sent out to India parliamentary committees to investigate and work out the details which are required for building the framework of the new constitution. It seems doubtful, therefore, whether, when Parliament is engaged in that work, the Secretary of State would be willing to consider such questions as are raised by the resolution, relating to the present constitution. And our doubts on this point are strengthened when we remember that in January, 1931, the Prime Minister made a speech in which he said—

"One or two of you who have had large experience of administration have pressed upon us that under the existing Government of India Act some things of importance could be done by administration, to bring Indian administrative action more into accord with declarations made here than is the case to-day. We cannot comment ourselves as

to whether this is so or not, but we propose, in consultation with Indians of administrative experience, to explore that, and as the result of exploring we shall take action or otherwise."

That was in January, 1931. Presumably action was taken and though we do not know what the actual results were, we can, I think, assume from the fact that no orders on these lines have issued that serious difficulties were discovered in trying to work out that policy. That is perhaps some indication of what the results will be if this Council passes this resolution and we send it on for further consideration.

There is another aspect of this case. Supposing the procedure pressed upon us by the resolution were adopted, the members of this Council must realise that it will almost inevitably mean a new election and a new Council before the resolution can be brought into effect. For if there is going to be a transfer of all departments, or all except one, to Ministers responsible to the Council, it is obviously necessary to try and see that the Council is representative of the province. Now, Mr. Chatterjee has admitted that a large section of the inhabitants of Bengal are not represented here at all, and indeed his argument is that that party will come into this Council as soon as the new system is introduced, and he thinks that it will be a great advantage, as undoubtedly it will be, if all the sections of the inhabitants co-operate in trying to run the Government. But if the Swarajists come into the Council this will considerably alter the complexion of this Council.

There is another section of this Council to be considered and I do not know whether they will approve of the transfer of all subjects, or all except one, to Ministers on the present distribution of seats between the different communities. I imagine—and indeed this view has been openly expressed to me—that a certain section of the members of this Council will strongly object to this.

Then there is the third difficulty. In the present Council there is a large group of officials. Is it going to be a really responsible Government if we have everything in the charge of Ministers and a large block of officials sitting behind the Ministers? I can well picture the situation that might arise if the Ministers were saved from defeat by official votes.

Those are some of the difficulties that present themselves. There are further administrative difficulties into which I do not want to enter. But I may just remind the House of one. We are carrying on under a system whereby on the reserved side if the safety of the province requires a certain thing to be done, it can be done. But if there is transfer of all powers, the Minister may find himself in an

impossible position. For these powers will not be available then. I can assure the Council that if we were satisfied that the procedure recommended by Mr. Chatterjee would bring about the results which he expects we would certainly welcome it. Any step which will restore peace and order in Bengal and remove the menace of terrorism will not be opposed by any member, official or non-official. But I think there can be two opinions on the question whether the result anticipated by Mr. Chatterjee will in fact be brought about by what he has proposed. Parliament at present is doing its best to evolve a new constitution and, it is, I submit, better to wait for the results of those deliberations, rather than press for the change which Mr. Chatterjee has suggested, and which I am perfectly certain will not produce the results which he expects.

Babu JITENDRALAL BANNERJEE: Sir, with the best of good wishes, I could neither follow nor appreciate the line of argument adopted by my friend, Mr. B. C. Chatterjee. To me the whole of his resolution and the speech which he delivered in support of the resolution seemed to be a long piece of *non-sequitur*—a glaring instance of inconsequential reasoning. Mr. Chatterjee cast his net very wide and wanted to drag in all manner of people and all sorts of interests within the meshes of his sophistics. He said that, if his remedy were adopted —and if, instead of Mr. Prentice, we had Mr. Faroqui or Mr. Nazimuddin as Minister in charge of Law and Justice, a sort of magical transformation would be effected. Terrorism will disappear from the land; the Swarajists would be placated and would come tumbling over heads and heels in their eagerness to enter the Council; and—most tempting of all promises—European trade would revive and the boycott would break down.

These were large orders to give, and let us see how he proceeds to fulfil them. Take the case of the Swarajists first. Mr. Chatterjee sought to fortify his opinion on this branch of the matter by quoting the high authority of Mr. Naliniranjan Sarkar. But Mr. Naliniranjan Sarkar is neither the dictator nor the Pope of the Congress. There is only one body that is competent to speak on behalf of the Congress—and that is the Working Committee of the Congress: and, among individuals, there is but one individual that is competent to pledge his word on behalf of the Congress, and that is Mahatma Gandhi. And so far as Mr. Gandhi and the Working Committee, there is not the least sign of any change of attitude on their part: in spite of the utmost concession that the Round Table Conference are prepared to suggest, they refuse to be placated and their ban against Council entry still stands.

As for the terrorists, I do not know who among us is competent to speak for them. But it seems to me that in suggesting that with

the terrorists it is a question of who is to be entrusted with the portfolio of Law and Justice, Mr. Chatterjee is doing a grave piece of injustice to their mentality. Sir, the terrorists have their own philosophy of action; that philosophy may be utterly distasteful to you and us—that has nothing whatever to do with the matter—but they have their own philosophy and they are rigid in following their philosophy in practice. The terrorist is not a constitutional reformer; he does not care for the wrongs, defects and anomolies of the constitution; his attitude is permanently and fundamentally anti-British—he wants to drive out the English from the land—and the method he adopts is by the spread of terror—by indiscriminate slaughter. Again, I say, that I have nothing to do with the morality or otherwise of his objective; but the objective is there, and there is no use in blinking the fact.

Sir, I should like to join issue with every statement contained in Mr. Chatterjee's resolution. He begins by saying that a "situation" has arisen in the country owing to the Convocation outrage. But, what situation? The attempt on the life of Sir Stanley Jackson—deeply as we rejoice in His Excellency's providential escape—did not mark any new departure. So far as the quality and character of the action was concerned, it was in no way different from the murder of Mr. Peddie, the murder of Mr. Stevens, or the murder of many other officials, high and low. It was only a further and striking illustration of the lamentable fact that terrorism has stuck its roots deep into the soil, that the poison has gone far, very far, and that it cannot be stamped out save by the special and united effort of all.

Mr. Chatterjee then says that the situation must be effectively dealt with. Well and good. But what steps does he propose, what remedy does he suggest? Why, by transforming certain departments of Government from the Reserved to the Transferred side! A more lame and impotent conclusion I could not well conceive. Consider the number of assumptions it involves. It involves that the terrorists are keenly interested in the working of the present constitution, that they want to improve the machinery of the administration, and that, as the readiest means of achieving their object, they are committing a few murders by the way. The situation has only to be stated in order to demonstrate its utter hollowness. The only way of combating terrorism would be, not by transforming a few departments from one set of individuals to another—a more hopeless or inadequate remedy I could not well conceive—but by the force of strong, passionate and organised public opinion. And I am ashamed to have to confess that this public opinion does not now exist in this country. We condemn terrorism in the Council, we condemn it in public meetings; but do we condemn it in the privacy of our homes and family circles—in the familiar intimacy of our daily conversation and life? My sentiments may be unpalatable to many people but the fact of the matter is that

we do not. Nay, we glorify the perpetrators of these acts, we make martyrs of them and we seek to justify their conduct on high grounds of policy and patriotism. Sir, in my twenty years' experience of public life, I have known but one Indian politician who was passionate, vehement and outspoken in his condemnation of terrorism—and that man was Sir Surendranath Banerjea. The words I heard from his lips in 1908 are still ringing in my ears. "Cut off my right hand" he said "tear me in pieces, rather than commit these acts." But we are a weak and anæmic race of politicians in these days: We dare not speak out the truth within us for fear least we lose our popularity, for fear lest we lose ground with the multitude. And so long as this weakness lingers in our midst so long terrorism will continue to grow and flourish in the land. But if we do want to stamp out this great evil from the country, we must be passionate and whole-souled in our condemnation of terrorism—and we must do more—we must so shape, strengthen and formulate public opinion that the very name of terrorism may be an abomination unto our people.

[At 6-5 p.m. the Council was adjourned for prayer and it reassembled at 6-15 p.m.]

Sir LANCELOT TRAVERS: Sir, after the speech that we have just heard—a speech not only of remarkable eloquence but of remarkable honesty and courage, I shall not detain the House very long. But I would first of all wish to draw the attention of the Council to the fact that at the end of the Round Table Conference the other day the Prime Minister said quite frankly that the British Government would have preferred the introduction of provincial autonomy as soon as it could possibly be managed; with Federation of some responsibility at the Centre later. It is quite obvious that Federation takes so much longer to prepare. But, Sir, he said that the question had been raised at the Conference itself and speaker after speaker had said that they desired that the two things should go together and that provincial autonomy should not be introduced until Federation with some responsibility came into operation at the same time. It was, therefore, the Prime Minister said, in deference to Indian opinion that the British Government would do its best to hurry on with the two measures together.

Now, I suggest to this Council that this motion of Mr. Chatterjee is in reality a motion for provincial autonomy. On the other hand, we have Government offices all over India in every province striving to deal with the mass of work in connection with the introduction of the two things. If, at the same time, we are going to introduce into this province, at any rate, another tremendous innovation, I say the administration would hardly be able to bear the strain.

Sir, Mr. Chatterjee, in his speech which was also eloquent, has suggested the transfer of "Law and Order" to Indian Ministers. I presume I may take it from what Mr. Chatterjee has said that one of the things that Indian Ministers would do would be to grant an amnesty to political detenus. Now, Sir, if that should be so, I would ask the Council to think over for a moment in the present state of things in this Province what would be the effect on the police service. The whole of that service has been worried to death and if, on the top of what they are doing now, they have the whole of the political detenus released, I think it would also be too much of a strain for the police force in this Province.

Sir, there are one or two points which our community would wish to make perfectly clear. We, the European Association, were at first in favour of provincial autonomy as soon as it could possibly be managed. We are, however, not in favour of this transfer at the present moment. We think that it would not be just to the Province and to the Indian Ministers themselves to have this responsibility now. We shall much prefer this transfer to wait until the time is more happy and I trust myself that it will not be long. Particularly with regard to the question of police—you may call it "Law and Order," my community are not in favour of this transfer at any time to either a Hindu or a Muhammadan Minister. We think that in the state of affairs in this Province, the communal feeling as it is at present, the position of either a Hindu or a Muhammadan Minister would be almost impossible. As a way out of the difficulty we ourselves prefer a Britisher to retain the control and we say it quite plainly that we prefer an official and as the next best a non-official European, or we might consider as a compromise a Board of a Hindu, a Moslem and a European. In the present state of communal feeling we are against "Law and Order" being handed over either to a Hindu or to a Muhammadan Minister.

Mr. KHWAJA SALA-UD-DIN: Sir, before speaking on the motion of Mr. B. C. Chatterjee I wish to express my sincere congratulation to His Excellency Sir Stanley and Lady Jackson on the courage and coolness they had shown on the occasion of the dastardly attempt on the life of His Excellency, and also to express my admiration of courage shown by the Vice-Chancellor of the Calcutta University. (Hear! Hear!)

We are grateful to the Almighty for His Excellency's providential escape. Sir Stanley, I trust, will not judge Bengal by such mad acts of a few misguided youths. The people of this great Province, sincerely deplore and condemn such crimes unreservedly. As the youngest member of this House, and one who is always coming into contact with the youths of the Province, I can assure the House that the young people here fully realise their responsibility to their duty,

and strongly deplore the crime which is a stigma on the fair name of Bengal. It is acknowledged by all the well-wishers of the motherland that such a crime as was committed the other day is not only a disgrace to the country, but is really hampering the progress and advancement of India and is prolonging the country's bondage.

The terrorists are greater enemies of the progressive and nationalist India than they are of those whom they try to kill. I am sure that the terrorists are the real supporters of the British die-hards like Mr. Churchill, Lord Lloyd and men of their kind, who would do their best to keep the freedom of our country from us till doomsday.

I welcome the suggestion of Mr. B. C. Chatterjee that portfolios of law and order be transferred to a Minister responsible to this Council, but I have great doubt that by such a change it will be possible for the Government to satisfy the demands of the people of Bengal. I think the only way the Government can satisfy the public opinion is by handing over the real power to the representatives of this Province.

Some of my friends may think that by having full provincial autonomy, we may find Mr. Sen Gupta and Maulana Abul Kalam Azad in place of Mr. Marr and Mr. Prentice. I am not afraid of having Mr. Sen Gupta and Maulana Abul Kalam Azad in place of Messrs. Marr and Prentice. (Hear! Hear!)

In 1924 when the first time the British labour party found themselves in the position of forming the Government, there was a huge cry throughout Great Britain by tory die-hards that if Mr. Macdonald was allowed to become His Majesty's Chief Minister and Mr. Snowden, the Chancellor of Exchequer, England, will cease to be of any importance. The *Daily Mail* and other popular English papers appealed to the late Lord Oxford to save England and the Empire. But Lord Asquith and Oxford refused to believe that England would be ruined by Messrs. Macdonald & Co.

The great leader of once a great liberal party showed great statesmanship, and it was only because of his good judgment that it was possible for a conservative House of Commons, to-day, to have Mr. Macdonald as Prime Minister of a Tory Cabinet. So by granting provincial autonomy the Government may possibly turn Mr. Sen Gupta to a more stronger supporter of law and order than Mr. Prentice. I am afraid this year will not see the birth of the provincial autonomy, but if the Government can hand over some of the important portfolios to such persons who will be responsible for their action to the representatives of the people of Bengal, we may find the public opinion behind the Government.

Sir, for the last fifteen years the Government as constituted at present have been trying to fight with terrorism but so far they have not succeeded. So I think the Government ought to give a chance to the

proposal of Mr. B. C. Chatterjee. I do not care if the Minister in charge of law and order is not an Indian. I would welcome Mr. Prentice or Sir Lancelot Travers as Minister in charge of this department, provided they possess the confidence of this House. (Applause.)

Mr. B. C. CHATTERJEE: Sir, we have had a very interesting debate marred only by Mr. Prentice using some abusive words. It has absolutely illustrated what I have said about the mentality of the Civil Servants of the older type which is not quite understandable to us. But, Sir, whilst speaking about the pacification of the revolutionary party, I did not want the House to act merely on my word. I want the House to appoint three non-official members—one Hindu, one European and one Muhammadan—to go and interview those people who have been shut up in Buxa, Berhampore and Hijli, and ask their opinion on the matter which I have put before you. I am not asking the Government to act up to my suggestion if the internees themselves do not give their assurance on the point.

Mr. Bannerjee in his speech has said that they do not want the transfer of law and order. I do not know if he has ever had occasion during trials or in any other way to try and ascertain the views of these men. He says that they are all for independence. How is it that when in 1920 Barindra Kumar Ghose, Pulin Behari Das and others were brought back from the Andamans and other places they all settled down to work and gave up their anarchy, although they had all demanded complete independence? The reason was that the Reforms, in their opinion, had given a sufficient start to India.

As regards the present lot, why do you not ascertain at first hand what their opinion is? I think they would all be agreeable to the suggestion I have made. On the earlier occasion, in 1919, I received letters from a lot of people in the Andamans and other deportation centres signifying their acceptance of the Reforms as giving India a real start on the road to freedom, on which India might very well give up revolution; and I may say that during the conversations I have had with certain people who have been tried in different courts on various charges I have been able to ascertain the view that if such a miracle as the transfer of the portfolio of public security to a Bengali Minister happens, these people will entirely revise their opinion about the British and their Government.

6-30 p.m.

Mr. E. C. ORMOND: May I ask a question? Is the future constitution of India going to be for the benefit of the terrorists only? I am not going to say very much more, though much remains to be said on this motion. But I would like to enter a protest, with all the

emphasis I can command, against the remarks made in support of it, by Mr. Basu. So far as I understand Mr. Basu works on a system of logic——.

Mr. B. C. CHATTERJEE: The time is up; it is 6-30.

Mr. PRESIDENT: Order, order. The time limit has been reached, and I declare that the discussion on this motion should cease. It will be taken as having been talked out.

The Bengal Motor Vehicles Tax Bill, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, as this is a very important matter, I would suggest that this item should be taken up to-morrow, as it is rather late, there will not be sufficient time to discuss it fully now.

Mr. PRESIDENT: As the Hon'ble Minister does not wish to move his motion to-day, I think that the House will agree that the question be taken up to-morrow at 3 p.m.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 16th February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 16th February, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 112 nominated and elected members.

Starred Questions

(to which oral answers were given).

Improvement of sanitary condition of Rajshahi.

*48. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether it is a fact that the population of the villages in the south-east of the Rajshahi district is fast decreasing as reported in the Report on the Final Settlement Operations in Rajshahi; and

(*ii*) whether it has been ascertained that such depopulation is mainly due to the blocking of the drainage through the rivers Borol and Narode and other connecting channels in that locality?

(*b*) If the answer to (*a*) is in the affirmative, what remedial measures, if any, are being taken or are in the contemplation of Government, for improving the sanitary condition of the affected area?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) (*i*) A statement showing vital statistics reported from this area for the last ten years is laid on the table. It shows an excess in deaths over births of 19,581 or approximately 12·8 per cent. on the figures for births in this period.

(*ii*) It is difficult to ascribe a local decrease in population to one specific cause; but the main factor making for unhealthy conditions would appear to be not so much lack of drainage as the need for introducing silt-laden water through the river Borol and its offtakes and other channels.

(*b*) No project is at present pending. The area was last inspected from the viewpoint of public health in 1927, and it is proposed to call for an up-to-date report.

Statement referred to in the answer to clause (a) (i) of starred question No. 48 showing the births and deaths in the thanas on the south-east of Rajshahi for the years 1921 to 1930.

Thanas.		1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	Totals.	Increase.	Decrease.
Charghat	Births ..	3,764	2,422	2,549	2,340	3,444	2,731	3,460	3,532	3,879	2,557	30,679	..	..
	Deaths ..	4,175	2,758	2,554	2,527	3,698	3,564	2,606	2,144	3,427	3,649	31,102	..	−423
Puthia	Births ..	3,113	1,296	1,581	1,488	1,806	1,138	1,559	1,517	1,547	1,076	16,121	..	..
	Deaths ..	4,072	1,871	1,754	1,568	2,004	1,668	1,751	1,873	1,615	1,528	19,756	..	−3,635
Bagatipara	Births ..	Not	998	1,234	1,031	1,282	850	1,192	1,317	995	1,832	9,731	..	..
	Deaths ..	created.	1,322	1,215	1,284	1,525	1,315	987	1,062	1,594	1,049	11,373	..	−1,642
Lalpur	Births ..	2,201	1,366	1,636	1,330	1,686	1,159	1,671	1,795	1,578	1,388	15,952	..	..
	Deaths ..	2,620	2,090	1,486	1,568	2,109	1,707	1,266	1,291	1,593	1,779	17,443	..	−1,491
Walia	Births ..	Not	845	831	760	255			Closed.				..	..
	Deaths ..	created.	767	721	849	190			Closed.				..	..
Baraigram	Births ..	2,720	1,616	1,496	1,577	2,087	1,489	2,134	2,096	2,046	1,376	18,637	..	..
	Deaths ..	3,678	1,776	1,880	1,848	2,800	2,115	1,927	1,923	2,681	1,790	21,818	..	−3,181
Gurudaspur	Births ..	Not	1,375	1,335	1,370	1,800	1,058	1,345	934	797	826	10,860	..	..
	Deaths ..	created.	1,217	1,322	1,608	1,470	983	1,152	1,341	984	1,049	11,126	..	−486
Singra	Births ..	4,126	2,719	3,207	2,116	2,538	2,198	2,851	2,266	2,051	1,909	25,981	..	..
	Deaths ..	4,617	2,503	2,450	3,013	2,773	2,128	2,332	2,577	2,839	2,445	27,477	..	−1,496
Natore	Births ..	3,728	2,348	2,595	2,365	2,776	1,818	2,703	2,466	1,866	1,780	24,525	..	..
	Deaths ..	5,227	3,366	3,089	2,852	3,376	2,466	2,859	3,041	2,922	2,590	31,752	..	−7,227

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state from whom he proposes to call for the up-to-date report?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: From the Public Health Department.

Puri Pilgrim Road.

***49. Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the Ahalya Bai Road or the Puri Pilgrim Road (which branches from the Grand Trunk Road, north-west of Raniganj) runs from Raniganj through the districts of Bankura and Midnapore towards Puri?

(*b*) Is the Hon'ble Minister aware that the said road is a provincial one and that it is in a tolerably motorable condition?

(*c*) Is the Hon'ble Minister aware that construction of one bridge over the Damodar river south of Raniganj and a few other bridges over some small rivers will connect the districts of Burdwan, Bankura and Midnapore and facilitate vehicular traffic all over the three districts?

(*d*) If the answers to (*a*), (*b*) and (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of constructing the required bridges in the near future from the money allotted to this province from the Road Development Funds?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) The road is provincial, *i.e.*, a Government road maintained by the Public Works Department except the portion from the Grand Trunk Road to Raniganj town and the portions of the road which fall within the jurisdiction of Bankura and Midnapore municipalities. It is reported to be in a tolerably motorable condition.

(*c*) At present there are the following unbridged rivers between Raniganj and the Orissa border: Damodar river, Darakeswar river, Kunbera river, Berai river, Salye river, and Cossye river.

(*d*) The bridging of this road is not included in the five-year programme for works to be financed from the Central Road Fund and it would appear from the list of bridges required that a project of this kind would be prohibitive in cost for some time to come.

River Police Sub-Inspector Service.

*50. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether there is a departmental circular regulating the proportion of Hindus and Muhammadans in the River Police Sub-Inspector Service?

(*b*) What was the number of Hindus and Muhammadans in the said service, district by district, on the 31st December, 1931?

(*c*) Is the Hon'ble Member aware that a larger number of Muhammadan than Hindu sub-inspectors have been deputed to the service in contravention of the requirements of the said circular? If so, why?

(*d*) Do the Government intend taking early steps to restore the required proportion?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) A statement is laid on the table.

(*c*) and (*d*) Yes. The reason for this disparity in numbers is being inquired into, and action will be taken to restore the proportion according to the rule.

Statement referred to in the answer to clause (b) of starred question question No. 50 showing the number of Hindus and Muhammadans in the River Police Sub-Inspector Service on the 31st December, 1931.

District from which transferred to the River Police.	Number of Hindu sub-inspectors.	Number of Muhammadan sub-inspectors.	Total.
Dacca	2	1	3
Mymensingh	1	2	3
Faridpur	1	..	1
Bakarganj	2	..	2
Jalpaiguri	..	1	1
Rangpur	..	2	2
Noakhali	..	1	1
Rajshahi	..	2	2
Chittagong	..	1	1
Pabna	..	1	1
Tippera	..	1	1
Total ..	6	12	18

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member in charge of the Police Department be pleased to state whether the River Police Service is particularly dangerous to life?

The Hon'ble Mr. W. D. R. PRENTICE: Not as far as I am aware.

Land Acquisition Deputy Collector, 24-Parganas.

*51. **Mr. P. BANERJI:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that—

(i) the present Land Acquisition Deputy Collector of the 24-Parganas has been holding that office for more than five years; and

(ii) that Mr. Moberly, as an Executive Councillor, had recorded in a note that no Land Acquisition Officer should be in one place for more than three years?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir B. B. Ghose): (i) He completed five years in the post on the 31st January, 1932.

(ii) The note to which the member alludes cannot be traced unless he can say when and on what occasion it was recorded.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether it is not a fact that three years is the average duration of service for a Government servant?

The Hon'ble Sir B. B. GHOSE: No. Not a fact.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state why this gentleman was not transferred after the completion of three years' service?

The Hon'ble Sir B. B. GHOSE: Does not arise.

Military police visiting certain schools in Chittagong.

*52. **Mr. SYAMAPROSAD MOOKERJEE:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact—

(i) that a large force of military police headed by two European officers entered the school premises of Patiya, Rahatali and Saroatali High Schools (Chittagong) on the 31st August last;

(ii) that some of the police assaulted the students indiscriminately;

(iii) that some of the teachers in attempting to protest against the assaults were themselves beaten;

(iv) that the Head Master of the Patiya High School, Chittagong, informed the Inspector of Schools, Chittagong Division, of the flogging of the students of his school by the military police;

(*v*) that the Secretary of the Saroatali High School reported to the Chief Secretary to the Government of Bengal on the 2nd September about the conduct of the military police in his school; and

(*vi*) that the University of Calcutta has addressed Government on the subject?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, Government have taken against the offenders?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) One party of military police under a European officer visited Patiya and Rahatali Schools, and another under another officer visited Saroatali School.

(*ii*) Two boys of the Patiya School and eighteen of the Rahatali School were chastised. Boys of the higher classes at the Saroatali School were also chastised.

(*iii*) No teacher appears to have been beaten.

(*iv*) Yes.

(*v*) Yes.

(*vi*) Government have received no letter from the University on the subject but they have seen a letter addressed by the Registrar to the Private Secretary to His Excellency the Chancellor on the subject of the Saroatali High English School incident.

(*b*) As already announced Government hope to make a statement before the close of the session.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether these incidents have been the subject matter of inquiry by Mr. Nelson and Mr. Craig?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing further to add to my answer.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state the nature of the chastisement which is referred to in the answer.

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing further to add to my answer.

Mr. SYAMAPROSAD MOOKERJEE: On a point of order, Sir. If the Hon'ble Member gives some information, then he can say that

he has no further information to give. But in this case he has given no information, and is he entitled to say that he has nothing further to add to his answer?

Mr. PRESIDENT: I very much desire that all available information should be given to the members of this House. But, I have pointed out times without number that our rules cannot compel a member of Government to answer a question which he does not want to answer.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the Government of Bengal have instructed him to refuse to furnish further information in connection with supplementary questions?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether it is against public interest to inform the House that these incidents had been the subject matter of inquiry by the officers mentioned by me?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing further to add to my answer.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether the chastisements were done under orders?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing further to add to my answer.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member-in-charge be pleased to say who has supplied the information contained in the answer?

The Hon'ble Mr. W. D. R. PRENTICE: I have nothing further to add to my answer.

Acquisition of lands for the Calcutta Chord Railway.

*53. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that in cases arising out of the acquisition of some lands for the Calcutta Chord Railway the previous Land Acquisition Deputy Collector of the 24-Parganas gave an award of about Rs. 13,000 only; but on

a reference the present incumbent compromised the case with the owner of the land by making an award of about Rs. 50,000?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing the details of the figures in respect of lands, building and compensation both in the first award of Rs. 13,000 and subsequent award of compromise?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps Government propose to take in the matter?

The Hon'ble Sir B. B. GHOSE: (*a*) No; the compromise was effected by the Railway authorities, at whose cost the land was being acquired, with the consent of the Collector. The Land Acquisition Deputy Collector had no hand in the matter. In some of the cases covered by the compromise no award had been made.

(*b*) and (*c*) Do not arise.

Sub-Registry office at Kalkini, Faridpur.

*54. **Maulvi TAMIZUDDIN KHAN:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware of a local feeling that exists that the abolition of the Sub-Registry office at Kalkini in the district of Faridpur has caused great hardship to, and created much discontent amongst, the inhabitants of the locality?

(*b*) Is the Hon'ble Minister aware that some parts of the thana Kalkini are about 40 minutes' journey from the Sub-Registry office at Madaripur under which the said thana has been placed after the abolition of the office at Kalkini?

(*c*) Is it a fact that the Government have received several petitions from the inhabitants of Kalkini, Enayetnagar, Pangasia, etc., praying for the establishment of the office at Kalkini?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government have arrived at a final decision in the matter?

(*e*) Is the Hon'ble Minister aware that the said office before its abolition laboured under the disadvantage of paying for two Sub-Registrars for more than six months, one being on leave on full average pay?

(*f*) Will the Hon'ble Minister be pleased to state whether the Government have considered the practicability of running the office at Kalkini without any loss, with two clerks instead of four or in the alternative by appointing the Khas Tahsildar of Kalkini who is a

graduate or the Muhammadan Marriage Registrar of Kalkini, as *ex-officio* Sub-Registrar who may be remunerated by fees as is done in several places in this province?

(*g*) Are the Government considering the desirability of taking any steps in this matter?

SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. H. R. Wilkinson): (*a*) A representation from the residents of the Kalkini thana has been received by Government for the reopening of the office at Kalkini. It is under the consideration of Government.

(*b*) The table of distances maintained in Madaripur Sub-Registry office shows that some villages in the Kalkini thana are 30 miles away from Madaripur. Since the preparation of the table, the course of the river has considerably changed and it is possible that there are new areas in the Kalkini thana particularly the new accretions in the Megna river, that are more than 30 miles from Madaripur.

(*c*) Only one petition, that mentioned in (*a*), has been received by Government.

(*d*) No final decision has been arrived at by Government.

(*e*) Yes, but it is not possible to keep down the expenditure of a particular office by refusing leave to the Sub-Registrar.

(*f*) The clerical establishment of the Kalkini office consisted of one clerk and two muharrirs. There is only one office in Bengal where the Khas Tahsildar and only one where a Muhammadan Marriage Registrar is *ex-officio* Sub-Registrar. These are at Kutubdia and Ukhya, both in Chittagong. The number of Registrations in both these offices is small, Kutubdia having registered 709 deeds and Ukhya 1,216, while the Kalkini office registered 2,007 deeds in 1930. The proposal for an *ex-officio* Sub-Registrar for Kalkini has not been received or considered by Government.

(*g*) The reply to (*d*) answers this.

Persons prosecuted under the Criminal Law Amendment Act or the New Ordinance.

***55. Maulvi SYED JALALUDDIN HASHEMY:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the names, and

(*ii*) the number of persons

who were prosecuted for alleged participation in crimes and were discharged or acquitted by the courts but were rearrested and detained under the Bengal Criminal Law Amendment Act, 1930, or the New Bengal Ordinance, 1931?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) and (*ii*) The number is 25, Government are not prepared to give the individual names.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether these 25 persons are detained under the Bengal Criminal Law Amendment Act or under the new Bengal Ordinance or under both?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether it is in the interest of the public that Government are not prepared to disclose the names of these 25 persons?

The Hon'ble Mr. W. D. R. PRENTICE: Government have never given such names.

Crimes in Bengal.

*56. **Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the period from the 1st July, 1931, to the 15th January, 1932,—

(*i*) the number of dacoities in different parts of Bengal;

(*ii*) the number of mail robberies in different districts showing the figures separately;

(*iii*) the number of political dacoities committed in each district;

(*iv*) the number of cases in which charge-sheets were given;

(*v*) the number of cases which ended in conviction; and

(*vi*) the number of cases discharged?

(*b*) If the number of dacoities is on the increase, will the Hon'ble Member be pleased to state the reason therefor?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) A statement is laid on the table. It is not known what the member means by "political dacoities" but in column 4 figures are given of the dacoities which are believed to be the work of terrorist or revolutionary gangs.

(*b*) In comparison with the figures of the corresponding period of 1930-31, the number is not on the increase.

Statement referred to in the answer to clause (a) of starred question No. 56.

Names of districts.	Number of dacoities reported from 1st July, 1931, to 15th January, 1932.	Number of Mail robberies reported from 1st July, 1931, to 15th January, 1932.	Number of dacoities reported from 1st July, 1931, to 15th January, 1932, which are believed to be committed by terrorist or revolutionary gangs.	Number of cases in which charge-sheets were given.	Number of cases which ended in conviction.	Number of cases discharged.	Number of cases pending trial.
1	2	3	4	5	6	7	8
Bakarganj ..	26	1	2	7	..	..	7
Bankura ..	13	..	..	1	..	..	1
Birbhum ..	17	..	..	3	1	..	2
Bogra ..	20	..	..	3	..	..	3
Burdwan ..	32	..	..	9	..	..	9
Asansol ..	7	..	..	1	..	..	1
Chittagong ..	33	..	..	9*	..	..	9
Dacca ..	79	(a) 1	3	4	..	..	4
Darjeeling ..	12	..	..	..	..	..	..
Dinajpur ..	30	..	1	3	..	..	3
Faridpur ..	22	1	3	3	..	..	3
Hooghly ..	23	..	..	1	1	..	..
Howrah ..	18	..	..	2	..	..	2
Jalpaiguri ..	10	..	..	..	..	..	..
Jessore ..	27	..	..	4	1	..	3
Khulna ..	35	1	1	2	..	..	2
Malda ..	37	..	..	3	..	1	2
Midnapore ..	88	..	..	6†	..	..	6
Murshidabad ..	27	..	..	7	1	..	6
Mymensingh ..	62	1	9	7‡	..	..	7
Nadia ..	36	(b) 1	..	8§	1§	..	7
Noakhali ..	6	..	1	1	..	..	1
Pabna ..	32	..	..	3	..	..	3
Rajshahi ..	32	1	1	3	..	..	3
Rangpur ..	39	..	..	..	..	..	..
Tippera ..	13	..	..	2	..	..	2
24-Parganas ..	33	..	..	5	..	1	4
Total ..	809	7	21	97	5	2	90

(a) One at Jinardi railway station in Bhairab Bazar G. R. P. S.

(b) One in Goalundo G. R. P. S.

*One under section 411, Indian Penal Code.

†One under section 448, Indian Penal Code.

‡One under section 460, Indian Penal Code, and one under section 19(f), Arms Act.

§In one case charge-sheet under sections 458-147, Indian Penal Code, and conviction under section 456, Indian Penal Code.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether there is any difference between the terrorist and the revolutionary gangs?

(No answer.)

Rate of rent in Khas Mahals in certain districts.

*57. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether there is a proposal for general increment of rents of Khas Mahal tenants in the districts of Bakarganj, Faridpur, Khulna as well as other districts; and

(*ii*) whether the tenants have already been served with notice of such increment of rent?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether, in the present distressed condition of the tenants, the Government are considering the desirability of adopting such measures?

(*c*) Are the Government aware of a feeling that exists that the rate of rent prevailing in Khas Mahals is already too high to admit of any further increment?

The Hon'ble Sir B. B. GHOSE: (*a*) (*i*) No.

(*ii*) No.

(*b*) Does not arise.

(*c*) No.

Representation regarding campaign for non-payment of rent in Tippera district.

*58. **SETH HUNUMAN PROSAD PODDAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government have received any representation from the Hindu sufferers in several parts of the Tippera district concerning the campaign for non-payment of rent, etc.?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what action has been taken on the said representation; and

(*ii*) what steps, if any, have been taken to deal with this movement?

(c) Is the Hon'ble Member aware—

(i) that the areas under the Nabinagar and Bancharampur thanas have been acutely effected by this campaign;

(ii) that a regular organisation with the avowed object of repressing Hindu money-lenders has been working;

(iii) that in many places paddy crops have been forcibly taken away by the Moslems assembled in large numbers;

(iv) that in many places Hindu money-lenders have been compelled to part with their bonds and other money documents at the risk of grave injury to themselves;

(v) that rank Bolshevism of the most undisciplined type is spreading from village to village throughout the Brahmanbaria subdivision; and

(vi) that the property of the Hindus is absolutely unsafe in the subdivision?

(d) Will the Hon'ble Member be pleased to state what has been done by the local authorities to give adequate protection to the Hindus?

(e) Are the Government considering the desirability of holding an inquiry into the situation that has arisen in those areas?

The Hon'ble Mr. W. D. R. PRENTICE: (a) Yes.

(b) to (e) The member is referred to the answer to starred question No. 47 at this session.

The Hon'ble Mr. W. D. R. PRENTICE: With your permission, Sir, I may further say in connection with this answer that we have not yet received a report of the incidents to which a reference was made yesterday. As soon as that report is received, we shall make a statement before the Council.

Hijli incidents.

***58. SETH HUNUMAN PROSAD PODDAR:** (a) Has the attention of the Hon'ble Member in charge of the Political Department been drawn to the findings of the inquiry held by two eminent Judges of the High Court regarding the Hijli shooting incidents?

(b) Is it a fact that the findings contradict, in material particulars, the *communiqué* issued by the Government immediately after the occurrence?

(*c*) If so, will the Hon'ble Member be pleased to state how such a misstatement of facts could find place in an authoritative statement issued by the Government?

(*d*) Is the Hon'ble Member aware that it has shaken public confidence generally in the statements and *communiqués* issued by the Government from time to time?

(*e*) Will the Hon'ble Member be pleased to state who is the official responsible for drawing up and issuing the *communiqué*?

(*f*) Has the Hon'ble Member taken any steps against the official?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state what action has been taken against him?

(*h*) If no action has been taken, will the Hon'ble Member be pleased to state the reason therefor?

(*i*) Do the Government contemplate taking any action against him?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes, but the inquiry was made not by two High Court Judges but by one High Court Judge and a Divisional Commissioner.

(*b*) In some respects they differ.

(*c*) The member's attention is invited to the first four sentences of the *communiqué* which are as follows—

"The following summary of information so far received by the Government of Bengal regarding the incidents at Hijli Detention Camp is published for general information. This account must not be taken to represent the conclusions of Government the full report of the inquiry which is being held by the District Magistrate not having yet been received. It must also be stated that the détenus have so far declined to make any statements to the District Magistrate as to what occurred. The information contained in this summary is compiled from the statements of those persons who have given evidence before him combined with facts otherwise known to Government relating to the period prior to the outbreak."

(*d*) No.

(*e*) The *communiqué* was issued by the Government of Bengal.

(*f*) to (*i*) Do not arise.

3-15 p.m.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to say with reference to answer (*e*) as to who is the officer responsible for supplying the information on which the *communiqué* was issued?

The Hon'ble Mr. W. D. R. PRENTICE: The information contained in this summary was compiled from the statements of those persons who had given evidence before him, combined with facts otherwise known to Government relating to the period prior to the outbreak. It is a composite statement.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state with reference to answer (*d*) on what authority he says that it has not shaken public confidence?

The Hon'ble Mr. W. D. R. PRENTICE: I have no definite information from any source.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he visited the Hijli Detention Camp after the occurrence?

The Hon'ble Mr. W. D. R. PRENTICE: I did.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether during his visit he tried to ascertain the truth or falsehood of the statements made by the police officers?

The Hon'ble Mr. W. D. R. PRENTICE: I made certain inquiries but I did not take down what certain officers said.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether his inquiries confirmed the version given by the officials?

The Hon'ble Mr. W. D. R. PRENTICE: The facts are stated in the resolution.

Mr. SHANTI SHEKHARESWAR RAY: My question is whether he was himself convinced of the truth or otherwise of the version given by the officials.

The Hon'ble Mr. W. D. R. PRENTICE: The views of Government are stated in the resolution.

Mr. SHANTI SHEKHARESWAR RAY: May I know whether the Hon'ble Member is unwilling to state his own conclusions on the subject?

The Hon'ble Mr. W. D. R. PRENTICE: No, I do not remember what they were.

Classification of prisoners in jails.

***80. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that political prisoners are now being placed in division III, irrespective of the nature of offence, status and educational qualifications of the prisoners?

(*b*) Is it a fact that ladies convicted on the 7th January last in the Jorabagan Court, Calcutta, were all placed in "C" class?

(*c*) Is it a fact that these ladies were all highly educated and respectably connected in society, one of them being an M.A. of the Calcutta University and another an undergraduate, and another an *ex*-editor of a monthly magazine?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state what are the reasons for the classification of political prisoners?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir B. B. Ghose): (*a*) No. The Jail Department has no such classification of prisoners as "Political Prisoner." The initial recommendation for classification as to division is made by the court according to rule.

(*b*) and (*c*) Four ladies who were convicted in the Jorabagan Court refused to furnish particulars regarding their education, social status and mode of living and, as they were not known to the Court, they were placed in division III.

(*d*) Does not arise.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state, with reference to answer (*a*) in what division prisoners are according to the rules placed pending the sanction of Government?

The Hon'ble Sir B. B. GHOSE: As I have said, the initial recommendation for classification is made by the Magistrate.

Babu SATISH CHANDRA RAY CHOWDHURY: My question is in what division a prisoner is placed pending the sanction of Government to the recommendation of a Magistrate that a particular prisoner is to be placed in a particular division?

The Hon'ble Sir B. B. GHOSE: Ordinarily he is placed in the division in which the Magistrate recommends him to be placed.

Maulvi SYED JALALUDDIN HASHEMY: Is the Hon'ble Member aware of the fact that inside the jail ordinary criminals and persons who are detained under any Ordinances are segregated and kept quite separate, though it is clearly written that there should be a distinction between ordinary convicts and political convicts?

The Hon'ble Sir B. B. GHOSE: I ask for notice.

Maulvi SYED JALALUDDIN HASHEMY: Is the Hon'ble Member aware of the fact that A. K. Ghulam Zilany, son of a big *zamindar* of Dacca, was arrested, convicted and placed in division III and died inside the jail in spite of the fact that the Superintendent of the Jail, the District Magistrate and the Additional District Magistrate recommended him for a higher class, and that Government did not interfere and he died in consequence?

The Hon'ble Sir B. B. GHOSE: I am not aware of this.

Maulvi SYED JALALUDDIN HASHEMY: Is the Hon'ble Member aware of the fact that Abdul Haye, brother of Maulvi Abul Kasem, a member of this Council, is classified as a "C" class prisoner?

The Hon'ble Sir B. B. GHOSE: I am not aware.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether in some cases, if not in many cases, pending the sanction of recommendation for a higher division prisoners are placed in the lowest division?

The Hon'ble Sir B. B. GHOSE: If the Magistrate places him in the lowest division he is placed in the lowest division.

Babu SATISH CHANDRA RAY CHOWDHURY: My question was whether, pending sanction of recommendation made by a Magistrate for a higher division, a prisoner is placed in the lowest division.

The Hon'ble Sir B. B. GHOSE: If a Magistrate recommends a prisoner to be placed in a higher division he is placed in the higher division, pending Government sanction.

Babu SATISH CHANDRA RAY CHOWDHURY: Is it not a fact that in many cases prisoners are placed in the lowest division although a Magistrate recommends a higher division?

The Hon'ble Sir B. B. GHOSE: I have received some letters with regard to this from different persons, not from prisoners. I have asked the Deputy Secretary to inquire whether it is a fact or not.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to issue instructions in accordance with the answer given now to place prisoners in the very division for which they are recommended?

The Hon'ble Sir B. B. GHOSE: It is not necessary; in fact they are in the rules.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to tell us whether, if a Magistrate violates those rules, it is not the duty of the Member of Government to correct him?

The Hon'ble Mr. A. MARR: I submit, Sir, that it is a question which asks for an expression of opinion.

Mr. PRESIDENT: I have often said that a question may be put to press for action, but I would not allow this question on other grounds —it is ironical and hypothetical too.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that he has power to interfere if a prisoner is not placed in a certain division?

The Hon'ble Sir B. B. GHOSE: I am aware.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to tell us whether he has exercised any such power himself?

The Hon'ble Sir B. B. GHOSE: On proper applications by the prisoners I have.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member give us an instance when he has exercised this discretion?

The Hon'ble Sir B. B. GHOSE: I cannot remember all cases.

Unstarred Questions

(answers to which were laid on the table).

Realisation of suit-fees in advance by certain union courts in Manikganj.

40. Rai Dr. HARIDHAN DUTT Bahadur: (*a*) Will the Hon'ble Member in charge of the Judicial Department please refer to the assurance communicated to me in regard to my question of which notice was given at the last February-March session and say whether he is aware that the realisation of suit-fees in advance in contravention of the provision of section 90 of Bengal Act V of 1919, is still being continued?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing the amount of suit-fees realised in advance from the plaintiffs at the time of institution of suits in November and December last separately by the union courts in the western circle of the Manikganj subdivision of the Dacca district, *viz.*, of Baniaguri, Baliakhore, Barotia, Ballah, Dhulsurah and other union courts?

(*c*) Are the Government considering the desirability of inquiring into the matter and of issuing strict prohibitory orders in accordance with the assurance contained in the reply communicated to me?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Government are informed that cases have occurred in which, in spite of the instructions issued, the tender of such fees in advance by the parties themselves has been accepted.

(*b*) A statement is laid on the table.

(*c*) Orders will again issue.

Statement referred to in the answer to clause (b) of unstarred question No. 40.

	Total number of suits in November and December, 1931.	Fees realised in advance of how many suits.				Fees not realised and number of suits.			
			Rs.	A.	P.		Rs.	A.	P.
1. Ballakhore union courts ..	93	40 suits—	65	10	0	53 suits—	106	2	6
2. Ballah union courts	51	50 „	120	3	0	1 „	3	14	6
3. Nali union courts	71	19 „	45	9	0	52 „	101	1	0
4. Mohadebpur union courts ..	48	25 „	24	7	6	23 „	833	11	0
5. Gala union courts	73	46 „	107	5	6	27 „	74	13	6
6. Kanchanpur union courts ..	56	47 „	78	14	6	9 „	30	1	6
7. Gopinathpur	32	31 „	50	6	6	1 „	0	11	0
8. Khalshi union courts ..	29	15 „	33	15	6	14 „	22	0	0
9. Teota union courts	38	38 „	65	5	6		Nil.		
10. Arua union courts	35	30 „	61	4	0	5 „	16	5	6
11. Ulail union courts	87	87 „	67	3	6		Nil.		
12. Uthali union courts	73	73 „	39	13	6		Nil.		
13. Shivalaya union courts ..	28	28 „	36	15	6		Nil.		
14. Barotia union courts ..	26	15 „	29	14	0	11 „	15	10	6

Rai Dr. HARIDHAN DUTT Bahadur: Will the Hon'ble Member be pleased to say in reply to answer (*a*) how the instructions conveyed to the authorities could have been ignored so long and who were responsible for that?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid that local bodies have idiosyncrasies of their own.

Realisation of dues by the Certificate Officers.

41. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that Certificate Officers stationed at the Rangpur Sadar tour in the subdivisions of Kurigram and Gaibandha to hear objections of the tenant certificate debtors of Court of Wards Estate and realise certificate dues on the spot?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the travelling expenses of these Certificate Officers are borne by the Government or by the Estates under the Court of Wards?

(*c*) What is the amount of such cost incurred in the month of December, 1931?

(*d*) What amount of certificate dues has been realised by the Certificate Officers in the mufassal in December, 1931?

The Hon'ble Sir B. B. GHOSE: (*a*) They have been touring in Kurigram but not in Gaibandha.

(*b*) By Government.

(*c*) Rs. 89.

(*d*) Rs. 5,233.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state why the Certificate Officers make tours in the subdivisions?

The Hon'ble Sir B. B. GHOSE: For the easy realisation of money.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state whether the system of realising certificate dues by touring officers has been introduced in the subdivision of Gaibandha?

The Hon'ble Sir B. B. GHOSE: Not in Gaibandha.

Kazi EMDADUL HOQUE: Is the Hon'ble Member aware that the people of Gaibandha have been feeling great inconvenience to go to Sadar for the purpose of such cases?

The Hon'ble Sir B. B. GHOSE: That is the reason why Certificate Officers were travelling in the villages.

Kazi EMDADUL HOQUE: My question was whether the tenants of Gaibandha were not greatly inconvenienced by reason of Certificate Officers not going to Gaibandha?

The Hon'ble Sir B. B. GHOSE: I am not aware. It is only an experiment that is being tried at Kurigram; if it succeeds it will be extended to Gaibandha.

Office of the Collector of Excise, Calcutta.

42. Khan Sahib Maulvi MUAZZAM ALI KHAN: Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to lay on the table a statement showing—

(*i*) the present number of clerks in the office of the Collector of Excise, Calcutta; and

(*ii*) how many of them are (1) Hindus and (2) Muslims?

MINISTER in charge of AGRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*i*) and (*ii*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 42.

Total number of clerks in the office of the Collector of Excise, Calcutta—13.

Number of Hindus—10.

Number of Muslims—3.

Sub-jail at Bagerhat.

43. Babu SUK LAL NAG: (*a*) Has the attention of the Hon'ble Member in charge of the Political (Jails) Department been drawn to the insanitary condition of the drain of the sub-jail at Bagerhat?

(*b*) Is the Hon'ble Member aware—

(*i*) that the sullage water of the sub-jail is drained out into a cess-pit outside the walls but within the jail compound, causing a menace to the health of the prisoners and the public;

(*ii*) that very often the overflow of the jail drain and cess-pool accumulates in the roadside drains creating a public nuisance;

(*iii*) that this cess-pit lies at a distance of only 50 yards from the sub-jail tank;

(*iv*) that the said tank is the only fresh water tank that supplies drinking water to the people of the town and the suburbs; and

(*v*) that there is a general belief that the accumulated filth has been responsible for the loss of lives occurring in the families in close proximity to the sub-jail?

(*c*) Is it a fact that the Divisional Commissioner, the District Magistrate, the Civil Surgeon and the Superintendent of the sub-jail have, in their inspection notes, referred to this nuisance and felt the urgent need of its speedy removal?

(*d*) Is it a fact that schemes for the removal of the nuisance have been lying in the office of the Inspector-General of Prisons for administrative approval and allotment of funds for more than a year and a half?

(*e*) Will the Hon'ble Member be pleased to state—

(*i*) how the matter stands at present; and

(*ii*) whether any action will be taken within the current financial year?

(*f*) If the answer to (*e*) (*ii*) is in the negative, will the Hon'ble Member be pleased to state when the Government proposes to move in the matter?

The Hon'ble Sir B. B. GHOSE: (*a*), (*b*), (*c*), (*d*), (*e*) and (*f*) Complaints have been received from various sources regarding the unsatisfactory condition of the drain at the Bagerhat Sub-jail. Inquiries have revealed that the drain is a danger to health and action is being taken with a view to remedying the present state of affairs.

Cess cases in Khulna.

44. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the number of cases of cess assessed over Rs. 50 a year in the district of Khulna; and

(*ii*) how many of them have been able to clear the last 12th January *kists*?

The Hon'ble Sir B. B. GHOSE: (*i*) 883 cases.

(*ii*) The cess has been paid in 218 cases.

Sub-Registrar at Magrahat.

45. Mr. A. F. M. ABDUR RAHMAN: Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state the last time when a Muhammadan Sub-Registrar was posted at the Magrahat Sub-Registry Office in the 24-Parganas?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): So far as available records show, no Muhammadan Sub-Registrar was ever posted to Magrahat in the 24-Parganas.

Superintendent, Orphangunj Market.

46. Mr. A. F. M. ABDUR RAHMAN: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state the last time when a Muhammadan Sub-Deputy Collector was appointed as Superintendent of the Orphangunj Market under the Collector of the 24-Parganas?

(*b*) Is the Hon'ble Member aware that the Mussalmans preponderate in the said market?

The Hon'ble Sir B. B. GHOSE: (*a*) Hitherto no Muhammadan Sub-Deputy Collector has been appointed Superintendent of the market.

(*b*) It is not a fact. The majority of sellers and stall-holders are non-Muhammadan, but no figures for buyers are available.

Maulvi NUR RAHMAN KHAN EUSUFJI: Will the Hon'ble Member be pleased to state if any Muhammadan officer was ever appointed or not?

The Hon'ble Sir B. B. GHOSE: The answer is there as in (*a*).

Mussalmans in the offices under the control of Magistrate and Collector, 24-Parganas.

47. Mr. A. F. M. ABDUR RAHMAN: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing the present number of (*a*) Mussalmans, and (*b*) Mussalmans who are *bona fide* residents of the district, serving in the capacities detailed below in the offices under the control of the Magistrate and Collector of the 24-Parganas:—

(*i*) Ministerial officers,

(*ii*) Copyists,

(*iii*) Process-servers, and

(*iv*) Peons, orderlies and duftries?

The Hon'ble Sir B. B. GHOSE: A statement is laid on the table.

Statement referred to in the answer to unstarred question No. 47 showing the present number of Muhammadans and Muhammadans who are bona fide residents of the district of the 24-Parganas, serving in the various capacities detailed below in the offices under the control of the Magistrate and Collector of the 24-Parganas.

Designation.	Number of Muhammadans.	Number of Muhammadans who are bona fide residents of the 24-Parganas.
1	2	3
Ministerial officers	61	31
Copyists and typists	9	3
Process-servers	28	23
Peons, orderlies and duftries	14	6

GOVERNMENT BILL.

The Bengal Motor Vehicles Tax Bill, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to present the report of the Select Committee on the Bengal MotorVehicles Tax Bill, 1931.

In doing so I explain the changes that have been recommended by the Select Committee. The changes are not very important; the Bill has emerged out of the Select Committee almost the same as it was introduced in this House. The changes are mostly about procedure and not about the principle of the Bill such as refunding of the tax, the token to be exhibited on the car to show what portion of the tax has been paid and so on and so forth. The one important change which the Select Committee has recommended is that this tax should be distributed to the local bodies not to substitute their expenditure on the roads but only to supplement it, and if the Government find that any particular local body has not spent the average of three years of its expenditure on roads Government may refuse to contribute any amount to that local body from the funds that are expected from this tax. The rates of taxes have been considerably reduced with regard to the buses and they have been increased slightly on private vehicles and on motor vehicles for carrying goods. There are a number of amendments and I should like

to explain Government's attitude with regard to them. There is one amendment which suggests that police officers should be debarred from being appointed taxing officers under clause 3 of the Bill. Of course with regard to Calcutta, if this amendment is accepted, Government would be very much handicapped in arranging for the working of the Act. There is the Motor Vehicles Department under a Deputy Commissioner of Police and Government would like very much that the House should accept the Bill as it is.

3-30 p.m.

But with regard to mufassal the idea is that the District Magistrate will have the authority. He may appoint any one he likes and I am prepared to agree that no police officer below the rank of an Assistant Superintendent of Police will be entrusted with this duty. So also in Calcutta no officer below the rank of an Assistant Commissioner of Police will be appointed a taxing officer. I think that should meet the object of this amendment. (Interruption by Mr. P. N. Guha.) It is for the Magistrate to decide whom he will appoint. I would ask Mr. Guha to bear in mind the assurance which I have just given on behalf of Government that no officer below the rank of an Assistant Superintendent of Police would be entrusted with this duty.

There is another amendment, Sir, which proposes to do away with the Government's power of exempting certain classes of vehicles. The Calcutta Corporation now enjoys this power. Vehicles like the ambulance cars, the vehicles of the Military Department, the conservancy cars of the Calcutta Corporation—all these should be exempted and as a matter of fact they are exempted at present. There is another point. It is desirable that a car should not be taxed more than once; if a car has been taxed once in a neighbouring province and if it comes to Calcutta or any part of this province for a short period, that the owner of the car should not be called upon to pay twice. So with a system of reciprocal exemption these cars can be exempted; it will lead to great difficulties if this power is taken away.

There is a third amendment which suggests that a statutory board should be constituted to supervise the application and distribution of the proceeds of the tax. This point was carefully considered by the Select Committee and they ultimately came to the decision that the matter should be left to Government. Government propose to consult the Provincial Road Board in matters relating to distribution of funds, and they do not want to appoint another statutory body to advise them. But I may say that if it is considered desirable by the House that such a board should be appointed and if the mover of this amendment, Mr. Ray, would change the word "supervising" to "advising" I am prepared to accept it.

Sir, the most controversial point in the Bill is the contribution to be paid to the Calcutta Corporation. The Calcutta Corporation is the only municipality in Bengal which now has the power to tax motor vehicles and their income from this source in the year 1930-31 was Rs. 4,63,700. On this basis we have provided for a statutory contribution of Rs. 4½ lakhs to the Calcutta Corporation. Thus the Corporation will get the amount net. We shall make over the full amount to the Calcutta Corporation whatever it might cost the Government to collect.

There are certain amendments suggesting that 75 *per cent.* of the increased income should be made over to the Corporation. I must say that this is a very extravagant demand on behalf of the Corporation. I hope, Sir, that this question will be approached not from the point of view of Calcutta but from the point of view of the whole province. This Bill is meant to raise taxes for the improvement of roads in the mufassal. There are roads which directly lead to Calcutta—roads like the Diamond Harbour Road and Barrackpore Trunk Road. The representatives of Calcutta can never for a moment maintain that the improvement of these roads are not meant for the improvement of Calcutta, and they will, I hope, approach the question from the provincial point of view and not from the parochial point of view. Sir, special interest attaches to the amendment of my friend Rai Dr. Haridhan Dutt Bahadur that there should be a separate fund for this revenue and that it should not be merged in the general revenues of Government. Of course there may be some difficulties for the Finance Department and naturally my friend the Hon'ble Finance Member does not approve of it. I am prepared——

Mr. PRESIDENT: Are you presenting the report of the Select Committee?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am speaking on the report of the Select Committee.

Mr. PRESIDENT: You are referring to details of the Bill and to amendments of which notice has been given; but you have not yet moved that the Bill be taken into consideration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I move, Sir, that the Bill, as reported by the Select Committee, be taken into consideration.

The Hon'ble Minister then resumed his seat.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I rise to oppose the motion for the consideration of this Bill. The reason is that in the present economic condition of the people of Bengal it is not an opportune time for the consideration of a Bill like this. Sir, you are aware that——

Maulvi SYED MAJID BAKSH: On a point of information, Sir. Is it allowable for a member to oppose in a general way a motion for the consideration of the Bill? Should not the Bill be discussed clause by clause?

Mr. PRESIDENT: One can oppose the motion for taking a Bill into consideration for reasons which may arise out of the Select Committee report, or out of circumstances which originated after the Bill was referred to the Select Committee.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I think, Sir, I should be allowed to complete my speech.

Mr. PRESIDENT: Nobody prevented you from doing so and I really do not know why you resumed your seat.

(Nawab Musharruf Hosain, Khan Bahadur rose to speak.)

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I hope the Nawab Sahib will extend me the courtesy of finishing my speech. He can speak after I finish.

Mr. PRESIDENT: I simply drew the Hon'ble Minister's attention to the fact that he was making observations which he should have made after he had actually moved his motion for taking the Bill into consideration. Unfortunately he resumed his seat instead of continuing his speech. Nevertheless I should allow him to go on with his speech.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: As regards the schedule, there is one important amendment by Mr. Cooper which suggests that instead of basing the taxation on the number of seats it should be based on the measurement of the vehicles with regard to private cars. This would mean the re-introduction of the existing Calcutta system. Of course, Government would like naturally to stick to the Bill clause.

Mr. PRESIDENT: May I suggest to the Hon'ble Minister that he should deal with these amendments when they are moved. The amendments are not before the House now. It may be that some of these amendments will not be moved at all.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, in moving that this Bill be taken into consideration I would like to observe that this Bill, if placed on the statute book, will supersede the right of local bodies to levy tax on motor vehicles in their jurisdictions. There has been a persistent demand by the representatives of local bodies for such a measure and Government have accordingly thought it their duty to bring forward this Bill. Of course it is a matter of great satisfaction to the Ministry that in spite of economic difficulties they are in a position to place such a measure before the House, and it has, I hope, the support of the majority of the House behind it.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I would ask the House to remember what I said a few days ago. The people have no money to pay even to their own money-lenders, and all these people who are proposed to be taxed are in such a financial position that if you now at this time give effect to this Bill, I am sure that many of my friends here will have to lose their motor-cars in order to avoid paying a sum of Rs. 150 or so by way of tax. When I make this assertion, I make it deliberately, knowing full well the pecuniary condition of all those people who are now in possession of motor-cars. I know as a matter of fact that these possessors of motor-cars are not in a position to pay the land revenue to Government, and even if they could pay the land revenue they could not pay the cesses. For this reason I want to oppose this measure which I would have been the first person to support if I had been convinced that those people whom you wanted to tax could pay the tax.

Rai Dr. HARIDHAN DUTT Bahadur: Sir, I rise on a point of order. I understand that the Bill has gone through its second reading stage by being through the Select Committee, and hence the principle of the Bill has been accepted. Now that the Bill has gone through the Select Committee and its report is before us can we assail the Bill on its principle. If any member wants to throw away the Bill I think he can do so by voting with a majority on his side when the Bill is in the final stage. When it has gone through the Select Committee can we discuss or assail its principle in any way?

Mr. PRESIDENT: Dr. Dutt is right. When the Bill was committed to the Select Committee the House accepted the principle of the Bill. The Nawab Sahib would not be in order to assail the principle of the Bill; but then he could oppose the motion for the consideration of the Bill for things which might have happened after the Bill was referred to the Select Committee.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, I oppose the consideration of the Bill because the time is inopportune. What the state of affairs was when the Bill was introduced has now changed.

Every day that is passing we see many of our friends more and more in embarrassment; so, that being the position I would oppose the consideration of the Bill. I may say that in Jalpaiguri the tea industry alone possesses about 500 motor lorries and the Hon'ble Minister wants to realise about Rs. 75,000 by this taxation. I know the financial position of the tea planters in Jalpaiguri. I would ask my friend Mr. Cooper who represents a big firm whether he will be prepared to support the consideration of this Bill and whether he would be able to advance Rs. 75,000 on a joint hand note of the planters to pay this tax. I doubt whether he will be able to do it.

Mr. PRESIDENT: Before you proceed any further I better amplify my ruling in regard to the point of order that was raised by Dr. Dutt. It may be helpful to you and others who may follow you. Dr. Dutt really raised a very interesting point. His question was whether after the principle of a Bill had been accepted by the House it could be assailed after the Bill had emerged from the Select Committee. I said, no. But Maulvi Syed Majid Baksh, very pertinently asked as to how in that case a motion that the Bill be taken into consideration can be opposed by a speech. I may tell him that it may be possible if the Select Committee report itself, on later events, I mean incidents which might have occurred after the Bill had been referred to the Select Committee, provide grounds for such opposition. Was it your point, Nawab Sahib, that the economic distress prevailing in the country has been so greatly intensified since the Bill was referred to the Select Committee and the situation is at present so bad that this Bill should be opposed on economic grounds as it involves taxation?

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Yes, Sir.

Mr. PRESIDENT: Then, you had better stick to that point.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Very well, Sir. I know that a lot of people have taken this Bill light-heartedly. But having regard to the present economic condition in the country, I would appeal to my friend the Hon'ble Minister to postpone even if the Bill is passed into law, its operation till better times come when the people will be able to pay the tax. At present, as I have said, the people cannot pay any further taxes, specially those people whom we want to tax. So, I would appeal to the Hon'ble Minister in all seriousness to consider this point and not take everything contained in this Bill light-heartedly. I know, Sir, that when I moved for a provision of a crore of rupees for the Primary Education Bill I was under the impression that the people could pay, but now when such economic distress is prevailing in the country I find that Government is giving effect to an important Bill. I would ask the Government to wait for

some time when the people will have more to be able to pay without any difficulty. So far as the roads are concerned, I would like to see that they are properly maintained and all schemes in that connection should be given effect to. I would appeal to the Hon'ble Minister that even if he succeeds in passing this Bill not to give effect to it at once.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I am surprised that the Hon'ble Minister is proceeding with this Bill. When he introduced it in the last session of the Council, I suggested that the Bill should be circulated for ascertaining public opinion. But that was not acceptable to the House and the Bill was referred to the Select Committee.

Mr. PRESIDENT: Will you please remember the ruling that I have given?

Mr. SHANTI SHEKHARESWAR RAY: Sir, the House was given to understand that during the discussion in the Select Committee public bodies would have an opportunity to express their opinions. Well, the new situation is that the Hon'ble Minister has not succeeded in obtaining any public support to his Bill. On the other hand I have come across expressions of opinion in the press hostile to this legislation. It is quite natural that the Hon'ble Minister desires to bring forward a measure and try to place it on the statute book; but I would suggest to him to bring such measures as would, at any rate, cost nothing to his countrymen. He may follow the example of his colleague the Nawab Sahib who has placed the State Aid to Industries Act on the statute book. It has cost the country nothing and most likely it is not going to cost anything to Government and our erst-while Khan Bahadur is now a Nawab——

Mr. PRESIDENT: Order, order, I cannot allow you to indulge in personalities.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I am trying to persuade the Hon'ble Minister to follow his colleague's example. Anyway, my point is to emphasise what Nawab Musharruf Hosain has said that this is not the time to impose this taxation in this country; it would not only be a hardship to the poor people who use motor vehicles in the mufassal, but at the same time it would be harmful to the trade; and in view of all these considerations I would suggest to him to bring it forward at a later date.

Maulvi SYED JALALUDDIN HASHEMY: Sir, in rising to speak on this motion, I think the Hon'ble Minister should postpone the consideration of this Bill till the next session. I am not supposed to be an

expert nor the owner of a motor car, but so far as I am concerned I have got complaints from various parties protesting against this measure (A VOICE: Including invitations). Yes, only to-morrow a very big and strong representative meeting is going to be held at the Town Hall to oppose this Bill. Even the members of the Calcutta Corporation, whose interests are going to be vitally affected by this Bill, I understand, are going to attend this meeting to-morrow. Under these circumstances it is for the Hon'ble Minister to consider whether the consideration of the Bill should not be postponed till the next session of this Council.

Babu SATISH CHANDRA RAY CHOWDHURY: I support the Bill, the principles of which were discussed threadbare during the introduction stage. I know that as a matter of fact mufassal bodies have been trying for some time past to get some funds for the improvement of their roads, and I think that there is a chance now offered to them to get some money out of the plethora available in order to augment their resources; and it is in response to their demands that the Hon'ble Minister undertook to introduce this Bill. The only thing that has happened in the meantime, as has been stated by Nawab Musharruf Hosain, is that during this period there has been a great economic distress in the country. I submit, Sir, that may be the ground for the postponement of the operation of the Act only. It should be remembered that the Hon'ble Minister is not a day too soon in introducing this legislation, because we have the precedent of Madras, Bihar and other provinces who have already got their Motor Vehicles Taxation Acts in operation and in the matter of communications they are far ahead of us. I, therefore, think that it is rather late in the day having expended all the labours and time on it to demand that the Bill be withdrawn. I submit, Sir, it would be sheer folly to throw it out at this stage. The Nawab Sahib can attain his object by postponement of the operation of the Act and not by throwing it out altogether.

Mr. C. R. DAIN: I did not intend saying anything with regard to this Bill because, for obvious reasons, anything that I may have to say regarding transportation measures will be treated as suspect; and the other reason for not saying anything is because not being a lawyer, it is somewhat difficult for me to keep on the rails. But if the House will bear with me, I would like to go back to the early history of this matter of transportation. In 1840 when Railways were first introduced in India, all that the House is now considering about this method of tranportation was considered in 1840, when no effort whatever was made by the Government to control them, and the railways increased and grew very rich quickly.

Let us now turn to Calcutta itself. I think that in 1922 or thereabouts, the motor bus which has played such a very important part in transport facilities introduced itself on the roads in Calcutta. I say it introduced itself urged by the manufacturer, coupled with that very skilful manipulator, the motor salesman. The motor bus was introduced on these roads without any form of control. It is a regrettable thing to have to say about two of my own countrymen not now with us, but they were the people largely responsible for the policy of allowing unlimited omnibuses on the road, and the sight of some of these omnibuses is repulsive.

Sir, I think the owners of omnibuses in the city have my every sympathy; their bad treatment by Government has been disgraceful, and hundreds of men, Indians, have been ruined by the lack of legislation which would have enabled them to earn a livelihood. They came on to the roads in numbers entirely outside their capacity to serve; I do not blame the Police, they were allowed to come on to the road in such large numbers that none of them could earn a livelihood, and they have my every sympathy, and if we are urged to introduce this Bill now, it is so that these men should be given a chance of a living which they cannot do without some form of restriction on transport, and I submit that this Bill would be the best form of restriction possible.

Dr. NARESH CHANDRA SEN GUPTA: I do not think it is necessary to impress upon the House the necessity of the principle on which the Bill stands. I, for one, would wholeheartedly support the principle of taxing motor vehicles in the way in which it is proposed to be done. I am very much in sympathy with Babu Satish Chandra Ray Chowdhury when he says that a Bill like this has been long overdue so far as the mufassal municipalities and district boards are concerned. But since the introduction of the Bill on the last occasion there have arisen certain circumstances which make it necessary that the matter should be reconsidered. Nawab Musharruf Hosain has pointed out the great increase in the economic distress in the mufassal. But there is one other factor, and that is that there has been a great increase in the central taxation on motor vehicles and accessories, and the result has been that the running of motor vehicles to-day is far more costly than it was in the past. The Select Committee, when it met to consider this Bill, had not these facts before them, and did not consider the effect of the central taxation on the motor business. That is one of the principal things which ought to be taken into consideration, and then, the effect of the central taxation on the motor business is now only beginning to be felt. It is necessary that the effect of this central taxation should be more fully studied before the matter is proceeded with further. Nothing will be lost by that; as a matter of fact legislation in this matter has been delayed a long time, and nothing

would be lost by a few more months' delay in consideration of the incidence of the central taxation, and how far the industry will be able to bear this further taxation. This is a point which I would ask the Council to remember.

[At 4-15 p.m. the Council was adjourned for prayer and it re-assembled at 4-30 p.m.]

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, I rise to give my wholehearted support to the principles underlying the Bill. The heavy motor vehicles traffic is to a great extent responsible for the early breakdown of most of the roads in the mufassal. I have got a bit practical experience about the difficulties of the municipalities and district boards to cope with the present day heavy motor traffic. For instance, in my municipality at Bansberia, the Strand Road formerly required repairs every third or fourth year but now-a-days it has got to be repaired every year; even that is not considered enough, patch repairs have to be done every now and then. We are confronted with this serious road problem which is absorbing a good portion of our income to the neglect of other important sanitary projects such as drainage which should have followed the opening of water-works. We are considering the question of replacement of "Jhama" with stone metals and asphaltum paint to meet the ever-growing motor traffic in the municipality, but that meant lots of money which we can ill-afford to spare. Similar is the case with our district board roads. The funds at our disposal are quite inadequate to meet the increasing demand on road repairs.

If the roads have to be kept in proper order suited to the present conditions of traffic, the levy of a tax on motor vehicles has become a matter of urgent necessity to partly compensate the loss sustained by the municipalities and district boards. It is anomalous that in urban Bengal the poor carter and the hackney-carriage-*wallah* should be made to pay taxes for their cart or carriage, while the motor vehicles which largely contribute to the deterioration of the roads should go scot-free. With a view to remove this anomaly that I introduced the Bengal Municipal (Amendment) Bill, 1931, in this Council just a year ago on 16th February, 1931, which was circulated for eliciting public opinion thereon. Out of 135 opinions received, 118 supported the Bill, 13 offered suggestions and only 4 opposed it. Thus it will appear that the concensus of public opinion were decidedly in favour of the levy of a tax on motor vehicles.

As the Government introduced the Bengal Motor Vehicles Tax Bill, 1931, at the last session of the Council held on 21st July, 1931—a comprehensive Bill for the whole of the Province including both urban and rural, I was asked not to proceed further with my Bill. In consideration of the fact that the Government Bill had identical purpose to

serve, I thought fit to allow my Bill to lapse. The rates proposed therein were fixed on a different principle but were very moderate quite suited to the conditions which prevailed in Bengal. The rates proposed in the Government Bill under discussion required revision in this House to make it consistent with the economic conditions of this Presidency. I hope to get the opportunity of speaking about the tax proposed to be imposed on private cars later on. I should now like to speak about the motor buses which ply for hire. These vehicles have now become an important factor in the speedy transit of passengers in out-of-the-way places at a comparatively nominal cost and is considered as a real boon to the public at large. If the bus owners are heavily taxed, they are likely to raise their fares which would be in the long run an indirect taxation on the poor people. This is not at all desirable at a time when the country is passing through one of the most critical periods in its history. The dire economic condition of the people cried halt on further taxation. Another point worth consideration is that the bus industry is a novel experiment in Bengal. Some owners have risked their all in this form of business. The depression in trade and commerce are already telling heavily on this nascent industry and care should be taken to see that over-taxation may not bring about their ruin with consequent extinction of this form of public utility service. It may be urged that the rates of taxation of Madras was much higher than that of Bengal. Certainly it is. But Madras is not in such a helpless condition as Bengal. Its climatic and economic condition were superior to that of the malaria-stricken or rather poverty-stricken Bengal. They still hold the internal trade of the province in their own hands unlike this nation of clerks. Bengal is Bengal and not Madras and all comparisons are odious. The condition of Bengal should be the sole criterion in the fixing of the rate of taxation.

I am sorry to find some vital defects in the Government Bill under discussion. There is not the slightest indication in the Bill to show how the money raised by taxation on motor vehicles will be distributed to the local bodies and the principle to be followed in doing so. It has been left entirely at the mercy of the Local Government. They have been vested with unlimited powers in the matter of the disposal of the fund. This is open to serious objection.

I think the fund should be placed at the disposal of a representative board and the Local Government will have the power of supervision and interference only in the case of mal-administration or inequitous treatment towards the different claimants for the doles. The proportion of payments should have been clearly defined. Excepting that of the fixed amount to be paid to the Calcutta Corporation everything has been left vague and indistinct. This is not as it should be. Some of the members who happened to be Councillors of the Calcutta Corporation have laid claims for better and fair treatment of the Calcutta Corporation in future payments to that body. I regret none raised their voice

for clear elucidation regarding the payment to be made to the district boards and municipalities in the mufassal. Who is to decide the relative importance of each claim and the proportion of payment to each of them? These are some of the outstanding problems which required clear exposition at this stage. The Government should lay the cards on the table and let the House know in clear and unambiguous language what it has got behind its mind. Another point which required due consideration is the apprehension in certain quarters that the cost of the realisation of the tax and its administration may absorb a good proportion of the income as is the case with several departments of Government.

The motion that the Bengal Motor Vehicles Tax Bill, 1931, as reported by the Select Committee, be taken into consideration was then put and agreed to.

Clause 1.

Mr. PRESIDENT: Order, order. The question is that clause 1 stand part of the Bill.

Mr. C. W. GURNER: Sir, I beg to move that in clause 1 (*1*) for the figures "1931" the figures "1932" be substituted.

Sir, the object of this amendment is obvious.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to accept this amendment.

The motion that in clause 1 (*1*) for the figures "1931" the figures "1932" be substituted, was then put and agreed to.

Maulvi ABDUL HAKIM: I beg to move that to clause 1 (*2*) the following be added, namely: "not earlier than the 1st of April, 1933."

Sir, the main reason for moving my amendment is the extreme economic distress that is still prevailing in the country. Generally speaking, no one should be in favour of imposing a heavy tax on this class of business in our province at this hard time. For the last two years, trade and commerce have practically come to a standstill, and it cannot be gainsaid that all businessmen and traders are living from hand to mouth at this time. I am not fully aware of the condition of motor traffic in Calcutta, but as regards the condition of this traffic in mufassal, I am fully aware that this motor traffic is almost dead there at the present time. Almost 99 per cent. of motor owners incurred heavy debts and purchased new motor vehicles on the hire-purchase system some years before and shortly after their purchase the present economic sufferings have begun. In consequence of this economic

distress motor owners, specially mufassal motor owners, have not been able to repay their debts and there is no chance of their doing so in the near future. I myself purchased two motor buses, and to tell you the truth, I have suffered a loss of Rs. 5,000 (laughter). The condition is almost similar with other motor owners whose motors ply for public conveyance, and I can assert that some of the motor owners in the mufassal who purchased motors for business purposes, shall have to sell not only their motors but also their ancestral properties to repay their debts, and others shall have to evade their liabilities by declaring themselves bankrupt within a short time. Under the provisions of the existing Motor Vehicles Act all motor owners have to pay a registration tax annually and the motor owners in Calcutta have to pay additional heavy tax to the Corporation. Duties on petrol, lubricating oil and other motor accessories have already become almost double in the course of a year. The country is still in the grip of the economic crisis and there is no knowing that our sufferings will come to an end in a short time. Under these circumstances, I hope the Council will recommend to the Government not to impose any new tax before the 1st of April, 1933.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, it is the general sense of the House and it is even the wish of those who agree with the principle of the Bill that the present is not an opportune time for imposing further taxation. It is feared that if this tax is imposed immediately, it will add very little to the revenue. On the other hand, it will lead to the extinction of motor buses and lorries. In other words, you will be killing the hen which is to lay the golden eggs. In view of this it is quite fair to have the operation of the Act postponed till 1933. It may be said even then the situation may not improve and that there is no justification for the postponement. But, Sir, we are drifting on somehow now, and we hope that things will grow better by April, 1933. But if our expectations and calculations are falsified and things do not improve, well, then the operation of the Act can possibly do no harm as the bus and lorry services which are now struggling are bound to disappear by then. For these reasons I move for the postponement of the operation of the Bill till April, 1933, and I hope the Hon'ble Minister will accept this amendment.

Mr. J. CAMPBELL FORRESTER: Sir, I have full sympathy with the bus owners. My hon'ble friend, Mr. Dain, has pointed out that a great hardship will be caused to the bus owners by the operation of this Act and he incidentally mentioned how his Company has suffered even before the hardships that will be imposed under the conditions if this Bill is passed before thinking of taxing the buses, we ought to remember what happened in Madras. What happened there? About seven

hundred buses were wiped out in the course of one day because of excess taxation. Sir, I do not hold any brief for the bus holders, but I must say that we should all have sympathy and consideration for the poor travelling public who will eventually suffer because it stands to reason that if we are going to impose further taxation on bus owners there will be an increase in bus fares. So, Sir, there is an objection to the Bill. There is also the question of the Calcutta Corporation, the Corporation recognised——

Mr. PRESIDENT: You had better deal with the amendment.

Mr. J. CAMPBELL FORRESTER: I bow to your ruling, Sir. My main point is that I consider that it is the duty of this House to weigh the question very carefully because our sympathy must go out to the travelling public——

Mr. PRESIDENT: What about the amendment itself?

Mr. J. CAMPBELL FORRESTER: I am speaking about the heavy taxation of buses because the previous speaker made all his remarks on buses and that was what brought me to my feet. I support the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I may say, Sir, that it is no particular pleasure to the Government to be unjust to the bus owners nor is it their desire that the buses should be wiped out. I do not think it will be possible to put off the Bill till April, 1933. It will take some time to put the Bill into operation and without causing any inconvenience to bus owners and private motor car owners. I cannot, however, give any assurance that this will be postponed for one year. What I can say is that we will certainly take a considerable time before the Act actually comes into operation and it will be sometime before actual collection will begin. I oppose the motion.

The motion that to clause 1 (2) the following be added, namely—

"not earlier than the 1st of April, 1933"

was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Shaik Rahim.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chatterjee, Mr. S. C.
Chaudhuri, Babu Kishori Mohan.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Ghose, Rai Bahadur Saroshi Kumar.
Hakim, Maulvi Abdul.

Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Nawab Muzharruf, Khan Bahadur.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Seth Hunuman Prasad.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemoni.
Roy, Mr. Sarat Kumar.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.
Solaiman, Maulvi Muhammad.

NOES.

Ali, Maulvi Syed Nausher.
Austin, Mr. J. M.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Bannerjee, Babu Jitendralal.
Bartley, Mr. C.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Bottomley, Mr. J. M.
Burai, Babu Gokul Chand.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Sahadur Kamini Kumar.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Sahadur Sueil Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Goenka, Rai Sahadur Badridas.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Haque, Khan Bahadur Maulvi Azizul.
Higgins, Mr. S.
Hopkyns, Mr. W. S.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Mason, Mr. G. A.
Miller, Mr. C. C.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Rai Mahasai, Munindra Deb.
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Mr. K. C.
Rees, Mr. J.
Ray, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sais-ud-din, Mr Khwaja.
Sarker, Rai Sahib Rebati Mohan.
Sumner, Mr. C. R.
Travers, Sir Lancelot.
Wilkinson, Mr. H. R.

The Ayes being 27 and the Noes 73 the motion was lost.

4-45 p.m.

Mr. PRESIDENT: The question is that clause 1, as amended, stand part of the Bill. The motion was put and agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The following motion was called but not moved:—

"Rai SATISH CHANDRA MUKHERJI Bahadur to move that in clause 3, line 2, after the word 'persons', the words 'not being police officers' be inserted."

Rai Dr. HARIDHAN DUTT Bahadur: I beg to move that clause 3, line 2, after the word "persons" the words "or agency" be inserted.

Under clause 3 the Local Government will have power by notification in the *Gazette* to appoint such persons as they think fit to be taxing officers under the Act. I suggest the addition of the words "or agency" after the word "persons" so as to make it possible for Government to authorise local bodies to realise the tax on behalf of the Government of Bengal. So far as I know in Calcutta Government have in the Corporation a suitable agency which is already doing this work and it could easily continue to do so on behalf of the Government at a very little cost. If Government proceeded to set up a separate agency for the assessment and collection of this tax it may prove more costly than under the ægis of the Corporation of Calcutta. On the other hand it would be cheaper if the Government could utilize so far as practicable whatever agency may be available or existing at present. I am not sure if local bodies are included in the category of "persons"; if it does, then my amendment will be out of place, but if not, I hope my amendment will not be objected to by Government because my suggestion will not interfere with their object but would enable them to authorise any agency which may exist or which may arise, later that may be acceptable to Government.

Mr. C. W. GURNER: The Rai Bahadur has put forward a very interesting suggestion enlarging the scope of the Bill and it would have the effect of giving Government at any time the option of entrusting a local authority the power of collecting these taxes. Our intention is, at present and probably for some time to come to operate these taxes through the agency of the Motor Vehicles Department of the Calcutta Police which already deals with fees under the Motor Vehicles Act. We quite appreciate the value of this alternative provision and we are quite prepared to accept the amendment of Rai Dr. Haridhan Dutt Bahadur.

The motion that in clause 3, line 2, after the word "persons" the words "or agency" be inserted was put and agreed to.

Mr. PRESIDENT: The question is that clause 3, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: On a point of information, Sir. Clause 4 reads thus: "As from the first day of April, 1932, a tax at the rate specified in the First Schedule shall be imposed on all motor vehicles kept or used in Bengal." Having regard to the statement made by the Hon'ble Minister I ask whether he would think of proposing an amendment to that effect.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not think an amendment is necessary. It will be some time before actual collection begins.

The following motion was called but not moved:—

"Rai SATISH CHANDRA MUKHERJI Bahadur to move that in clause 4 (*2a*), line 2, after the word 'whole' the words 'or part' be inserted."

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The motion was put and agreed to.

Clauses 5 to 9 and 9A.

Mr. PRESIDENT: The question is that clauses 5, 6, 7, 8, 9 and 9A stand part of the Bill.

The motion was put and agreed to.

Clause 10.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

Mr. P. N. GUHA: I sent in an amendment not in the present form but it has been changed by the Legislative Department. If I move this amendment now it will absolutely kill clause 10 if my amendments Nos. 13 and 14 be not accepted.

Mr. PRESIDENT: Are you prepared to move your amendment as it stands on paper?

Mr. P. N. GUHA: No. If you refer to motions Nos. 13 and 14 you will find that the following words occur "The Local Government shall, after every two financial years commencing with April, 1934, examine and adjust the revenue derived from the taxes, etc., etc." So I do not want to move it at this stage.

The following motions were called but not moved:—

"Mr. P. N. GUHA and Mr. D. J. COHEN to move that in clause 10 (*1*), line 1, after the word 'annually' the following be inserted, namely:—

'till the end of the financial year 1933-34'."

"Rai SATISH CHANDRA MUKHERJI Bahadur to move that in clause 10 (*1*), line 2, the words 'and a half' be omitted."

"Rai SATISH CHANDRA MUKHERJI Bahadur to move that in clause 10 (*1*), lines 3 to 6, the words beginning with 'being approximately' and ending with '31st March, 1930' be omitted."

5 p.m.

Rai Dr. HARIDHAN DUTT Bahadur: Sir, I move the amendments which stand in my name.

May I point out that I have two amendments in my name? My idea is that in case the first amendment is not accepted by the Council then and then only I shall ask the Council to take into consideration my second amendment. Sir, with your permission, I would like to move both these amendments together.

Mr. PRESIDENT: Yes, you can do so. But I will put them separately.

Rai Dr. HARIDHAN DUTT Bahadur: I beg to move that to clause 10 (*1*), the following provisos be added, namely:—

"Provided that in case the nett amount realised by the Local Government on account of the tax imposed under this Act on all motor vehicles kept or used within the municipal limits of Calcutta as defined in the Calcutta Municipal Act, 1923, exceeds Rs. 4½ lakhs in any year, the Local Government shall pay in respect of that year to the Corporation a further sum equivalent to 75 per cent. of the amount by which the actual nett realisation exceeds the aforesaid sum of Rs. 4½ lakhs:

Provided further that such excess sum as may be paid by the Local Government in accordance with the above proviso shall be

expended by the Corporation for such work or works in connection with the construction, maintenance or improvement of new or existing roads within the municipal limits of Calcutta as the Corporation may, with the approval of the Local Government, decide."

I also beg to move that to clause 10 (*1*), the following proviso be added, namely:—

"Provided that in case the nett amount realised by the Local Government on account of the tax imposed under this Act on motor vehicles kept or used within the municipal limits of Calcutta as defined in the Calcutta Municipal Act, 1923, exceeds Rs. 4½ lakhs in any year, the Local Government shall expend on the construction, maintenance or improvement of new or existing roads within the municipal limits of Calcutta, 75 per cent. of the amount by which the actual nett realisation exceeds the aforesaid sum of Rs. 4½ lakhs."

This clause 10 (*1*) as settled by the Select Committee provided for the payment of Rs. 4½ lakhs every year to the Corporation as compensation for loss of revenue which the Corporation will incur owing to the assessment of motor vehicles in Calcutta and the collection of tax on account of them being taken over by Government.

The amount realised by the Corporation in 1930-31 was Rs. 4,64,000 Although the Select Committee have raised the amount of compensation payable from Rs. 4 lakhs provided in the original Bill to Rs. 4½ lakhs, it will still fall short of the actual realisation by about Rs. 14,000. Furthermore, the Corporation have represented that the average annual increase of revenue from motor cars during the last five years is Rs. 28,000 on the existing basis. I would ask you to remember that this Rs. 28,000 is arrived at if we calculate on the schedule of taxes prevailing in Calcutta. We will be depriving the Corporation of this growing source of revenue although their liability in the matter of the upkeep of roads in Calcutta will continue and will certainly go on increasing. Even on the basis of the present scale of taxation, the Corporation will in the short space of four years be losing Rs. 1,12,000 a year. On the basis of the new schedule now proposed in this Bill the annual increase in revenue is certain to be very much more than the figure on the basis of which the proposed compensation has been fixed, with the result that the actual loss to the city in four years will be very much more than Rs. 1,12,000. The bulk of the revenue will come from Calcutta; the tax has always belonged to the Corporation and is legitimately theirs. When we seek to provincialise it, we should try and see that at least no loss is inflicted on the city. Viewing the question from this standpoint, I feel bound to say that the fixing of a definite sum of Rs. 4½ lakhs a year, without any provision for periodical revision and without any allowance for the yearly growth

which is bound to occur, is definitely unfair to the city, and as a representative of the city of Calcutta I feel it my duty to enter my emphatic protest against this.

The responsibilities of the Corporation in the matter of the upkeep of roads are increasing. Ten years ago the expenditure on bituminous road surfacing amounted to about Rs. 5 lakhs; in 1930-31 the Corporation spent nearly Rs. 7¼ lakhs or about 50 per cent. more than 10 years ago. The total expenditure on roads and footpaths in Calcutta amounted to nearly Rs. 17 lakhs in 1920-21: the corresponding expenditure in 1930-31 was much higher. The time is near at hand when the Corporation will have to undertake the reconstruction of some of the arterial roads with concrete or something similar to cope with the ever-growing motor traffic and it is precisely at this juncture that Government seek to deprive the Corporation of a growing source of revenue. In the face of these facts, it passes my comprehension as to how a fixed compensation of Rs. 4½ lakhs can be justified. I sincerely trust that it is not the intention to tax the city's vehicles, and to appropriate, by an Act of the Legislature, an item of the city's revenue for meeting Government obligations in the matter of provincial roads outside Calcutta.

I am glad to find on a reference to the Select Committee's report now before us that the Hon'ble Minister and his Secretary have both added notes of dissent and have suggested that there should be some arrangement for a periodical revision of the amount of compensation payable to the Corporation. My difficulty is how we can in a statute fix a definite sum and immediately provide for its alteration by a committee or an arbitration board periodically.

Equity and justice demand that the whole realisation on account of the motor vehicles plying in Calcutta, whatever that may be, whether it be less or more than Rs. 4½ lakhs, should be made over to the Corporation after deducting the cost of collection or other expenses incurred on that account. If this is not possible, the city can legitimately claim that at least a large percentage of the excess over Rs. 4½ lakhs should be made available to the city; the remaining portion of the excess being utilised for provincial needs in the matter of roads.

Sir, at this stage I would point out to my friends that when I drafted this amendment I suggested in it that 75 per cent. of the excess should go to the city, the remaining 25 per cent. bring utilised for provincial needs. Since then on further consideration of the matter I am disposed to amend my amendment by changing the figure "75 per cent." to "50 per cent." with your permission and the permission of this House.

As this additional revenue will be available to the city as the result of Government action, Government may lay down a condition that the excess over Rs. 4½ lakhs must be utilised by the Corporation on such roads as the Corporation may, with the approval of Government, decide.

Mr. P. N. GUHA: But how can you dictate to the Corporation?

Rai Dr. HARIDHAN DUTT Bahadur: If my friend Mr. Guha has the patience to hear what I have got to say he will see that I am only suggesting this as a matter of compromise. If something has to be done the least line of resistance is the best I can suggest. The arrangement is one which should commend itself from other points of view. The city of Calcutta is the capital of the Province, although no longer the capital of India, and it is a strong-hold of European commerce and the European community in India and has a great University and is also a medical centre. Some of the problems in connection with the city's roads have to be looked at from a larger standpoint than that of purely local needs, and the arrangement which I have sought to incorporate in my amendment will make it possible for Government to have the additional revenue spent on roads in Calcutta in which the Province as a whole is interested. It will also obviate any misgiving that the Corporation, after getting this additional money from Government, may not spend it for the purpose for which it is raised, or on roads which Government or the provincial or imperial interests centered in Calcutta may consider important. I draw my friend Mr. Guha's attention to this. I would make it clear, however, that this condition will apply only in regard to the disposal of the excess over Rs. 4½ lakhs. That, I believe, would meet the point which is uppermost in Mr. Guha's mind. If this is not acceptable, then I suggest as the next best alternative that it should be obligatory on Government to spend 50 *per cent.* of the excess on the construction, maintenance and improvement of new or existing roads within the Municipal limits of Calcutta as Government may decide. As a representative of the city, I feel I can legitimately claim that at least 50 *per cent.* of the excess revenue which the city will contribute should be spent on the city roads; whether through the Corporation or Government is a matter of secondary consideration. Otherwise it will be impossible to resist the feeling that once again, as in the case of the amusement tax a few years ago, the city of Calcutta is being fleeced to provide for provincial needs.

Sir, these are the reasons which have led me to move the amendments. I do not know if I shall be so fortunate as to get the support of Government but I hope that they would condescend to accept it. I once again appeal sincerely to the Hon'ble Minister and the Secretary, Local Self-Government Department, that in a Bill like this the claims

of the city of Calcutta ought not to be lost sight of, and I submit, Sir, that the apportionment of 50 per cent. between the city and the Province should meet the requirements of the Bill. With your permission, Sir, I amend my motion by substituting 50 per cent. for 75 per cent. in both the amendments.

Mr. P. N. GUHA: Mr. President, Sir, I move that after clause 10 (*1*) the following new clause be inserted, namely:—

"(*1a*) The Local Government shall, after every two financial years commencing with April, 1934, examine and adjust the revenue derived from the taxes on the motor vehicles in Calcutta and shall pay to the said Corporation three-fourths of the excess revenue, if any, over and above the sum of four and a half lakhs aforesaid."

Sir, I would at the very outset tell the House that the statutory provision of the payment of a fixed sum to the Calcutta Corporation for all times to come out of the proceeds of the motor vehicle taxes is considered as unfair and unjust by every citizen of Calcutta. The revenue derived by taxing the motor cars is increasing year after year and so it is a source of expanding revenue to the Corporation. The income on this head was almost negligible a few years ago but last year we had so much as Rs. 4,64,000. My friends here will probably agree with me in thinking that the volume of business is rapidly increasing in Calcutta and along with it the necessity of the use of motor vehicles is also increasing. Dr. Haridhan Dutt may cry hoarse over the poverty of the people but we all know that people residing in Calcutta are making almost a mad rush to own motor vehicles. Even a man of modest income purchases a car and so the increase in the number of motor cars in Calcutta is expected to be almost enormous in the very near future. The Corporation of Calcutta has, therefore, been very rightly expecting to derive a big revenue by taxing the motor cars. The officers there told me the other day that income on this head will exceed Rs. 5 lakhs at the close of the present financial year. I, therefore, hold that to limit the payment to the Corporation to Rs. 4½ lakhs only will be very unfair.

Sir, the House should not overlook the fact that the Corporation never begged of the Government to relieve it of the burden of collecting the taxes on motor cars. It is quite competent in doing its duty and has been doing so for these years. The Government which is yet all powerful in every direction is going to deprive the Corporation of a big sum of money and cripple its legitimate source of income for all times to come with the help of a legislative measure. This, Sir, will be a repetition of the scandal of the Meston award. Sir, you are aware that this iniquitous award has done a grave injustice to the provinces only

to help the Central Government and the present provision of the Motor Vehicles Tax Bill, if passed, will similarly enrich the Government of Bengal at the cost of the Corporation of Calcutta. Sir, I know there are people in this House and elsewhere who are sore against the Corporation but these people are committing a grave blunder in thinking that the Corporation will for all times to come remain under the control of men who are there now. Every ratepayer in Calcutta should therefore do his best to help the Corporation in every way. I, on behalf of myself, and the Corporation and on behalf of every citizen of Calcutta very strongly protest against the attempt of the Government to cripple the resources of the Corporation.

Sir, I shall be satisfied if the Government accepts the principle of periodical readjustment of the revenue derived from the motor vehicles within the municipal limits of Calcutta, and shall be glad to give up my claim for 75 per cent. as mentioned in the resolution I have just now moved. I want the House to remove the statutory injustice. Sir, the clause in the Bill says that the Corporation will be paid only Rs. 4½ lakhs and that even if the revenue derived from Calcutta motor vehicles amounts to twenty lakhs. A more palpable injustice can hardly be thought of. Sir, I have pointed out in my note of dissent that there is no possibility of spending any money either for the upkeep of old roads or for constructing new roads in the city of Calcutta by the Road Board. The Corporation has got enough money and is competent to do everything in connection with the roads in Calcutta and so it will never go to the Road Board for help. All that it wants is that its own money may not be snatched away by force by the Government.

Sir, if you look to the Bill which is under consideration, you will find that the very first note of dissent has come from the Minister and his Secretary. They state "we shall prefer some provisions for a periodical revision of the amount to be paid to the Calcutta Corporation after a certain term of years." That is the exact thing which I want the House to accept. I do not want to bind down the Government to pay any definite percentage of the tax realised but I am keen on having the principle of readjustment accepted. If that is done then I shall gladly take off the words "examine and adjust the revenue from the taxes on the motor vehicles in Calcutta and shall pay to the said Corporation three-fourths of the excess revenue" and substitute the following "to pay to the said Corporation such sums as may be decided by the Government." Sir, I do not want the future Minister, Board or agency that may deal with Motor Vehicles Tax Act, to turn out the Corporation by saying, "Oh, we cannot do anything. The matter has been definitely settled by an Act of the legislature." I am keen on having such a contingency removed and that is why I am pressing the House to accept the principle of periodical readjustment.

Sir, I would, with your kind permission, like to amend my motion in the following lines: "The local Government shall pay such percentage of the sum derived from the taxes on motor vehicles in Calcutta as may be decided upon by them," or any other suitable form acceptable to the Legislative Department of the Government. In conclusion I do not realise how the Government can refuse to accept my motion specially in view of the note of dissent appended to the report of the Select Committee by the Minister and his Secretary. If they do, then all that I can do is to appeal to the House to show their disapproval of the unjustifiable attitude of the Government by unanimously accepting my motion.

Mr. D. J. COHEN: Sir, I would like to move the amendment which stands in my name in a slightly altered form. May I read it, Sir?

Mr. PRESIDENT: What is your position? Mr. Guha and you gave notice of one amendment; Mr. Guha has moved it and if you like you may speak on it.

Mr. D. J. COHEN: I would like to make a slight alteration in the wording of the amendment as it would clarify the matter. May I have your permission to read it? I believe Mr. Guha will be agreeable to accept it. I beg to propose that after clause 10 (*1*) the following new clause be inserted, *viz.*:—

"(*1a*) The local Government shall, after every two financial years commencing with April, 1934, examine and adjust the revenue derived from the taxes on the motor vehicles in Calcutta and shall pay to the said Corporation one-half of the excess of nett revenue, if any, over and above the sum of Rs. 4½ lakhs aforesaid."

Mr. PRESIDENT: Mr. Guha, do you accept this alteration?

Mr. P. N. GUHA: Sir, my position is this. I would have gladly accepted it but I want the views of Government as to whether they are going to accept the principle I have laid down.

Mr. PRESIDENT: As a rule I am opposed to any alterations being made at the eleventh hour and I am afraid in this particular case, further complications are going to be created as you two are not of the same mind.

Mr. P. N. GUHA: So far as I understand Government will not accept this alteration.

Mr. PRESIDENT: In that case the amendment stands as it is in the agenda and no alteration will be allowed.

Mr. D. J. COHEN: Sir, having regard to the fact that Dr. Dutt was allowed to amend his motion relating to this matter I hope, Sir, you will kindly allow me to amend my motion.

Mr. PRESIDENT: But that does not create a precedent. Each case must be left to my discretion. I cannot go on changing amendments in this fashion; more so, when I find that it creates complications.

Mr. P. N. GUHA: Well, Sir, I have no objection to accepting Mr. Cohen's motion.

Mr. PRESIDENT: Then both of you are agreed. The House will note that the motion of Mr. Guha, as already moved, stands altered as suggested by the mover and Mr. Cohen.

Mr. D. J. COHEN: Sir, the previous speakers have already given most of the facts. I will now confine myself to just a few other observations. The Hon'ble Minister's note of dissent is a very valuable one, having regard to the fact that up to about a year and a half ago he was himself a councillor of the Corporation and a member of the Improvement Trust. He realises the difficulties of the Corporation and it is, I take it, for that reason that he thought fit to put in the note of dissent. There may be other reasons. Although the case is not quite analogous, the Corporation has to pay to the Improvement Trust a certain percentage and to-day after several years of working the Corporation has to pay over six times the amount of money that it had first to pay from its coffers. I urge that point to show that if you ask the House now to limit the payment to the Corporation it would not be fair as the Corporation would eventually be the largest contributor to this road fund for the improvement of provincial roads. To-day the figure compares not very unfavourably with Rs. 4½ lakhs, the sum that is put in the Bill, and that figure may mount up to ten lakhs or even more as is quite likely. Is it the intention of the House that the city should pay almost the entire amount or the major portion of the money that will be derived from this taxation? That is the first point I wish to urge.

The second point is that the Corporation of Calcutta has had this source of revenue given to it under the existing Act. By this Bill you are taking away this source of revenue and want to substitute it by a fixed sum of money. The Corporation is at present spending over

Rs. 17 lakhs on maintenance of roads—that is the figure I have got from the Chief Accountant. It is spending about Rs. 9 lakhs on asphalting roads. That shows clearly that the amount of money that the Corporation has been deriving from this taxation does not cover even half the amount that is required for the maintenance of roads. When it is further remembered that the maintenance charges on roads are increasing owing to the increase in the number of roads taken in hand not only for asphalting but for painting, apart from general maintenance, is it right to cut down the source of revenue and expect the Corporation to keep up better roads? It is to be remembered also that in the Corporation we are receiving complaints from various parts of the city that some of the roads are not kept up to the standard that the residents there would like them to be kept.

5-30 p.m.

Are we going to pay the Corporation a sum of money which will reduce the revenues, and expect the Corporation to be able, however much they may be inclined to, to keep up the expenditure and maintain the roads satisfactorily?

Then, Sir, this 4½ lakhs which has been put in the Bill, is calculated on the basis of the present taxation as provided in the Calcutta Municipal Act. The Bill contemplates increasing that, and under ordinary conditions, if this Bill had not been introduced, the Corporation would have been justified, to increase the rate of taxation and would have thereby recovered the benefit of that increase. So that in calculating that amount we ought to consider it on the basis of the increased taxation, and if you take it on that basis, you will find that the amount put into the Bill, as a contribution to the Corporation, is certainly much less than what will be realised by Government even in the first year. Having regard to all these factors, is it not in the interests of the city that we should not whittle down the funds of the Corporation to an extent that may necessitate spending less money with the result that the roads will not be kept up to the present standard.

Then, Sir, the Hon'ble Minister has been able to urge just one reason why this particular Bill is justified. He says that all the roads leading to Calcutta should be improved. I agree with that. How many roads are there and what will be the annual maintenance charges? Compare the area of these roads with the area of the roads in the entire city. If that is the only point that he has been able to urge, am I not justified in asking this House to accept my amendment which provides for a revision? If, unfortunately trade conditions go on as badly as they are at present, possibly the Corporation may not be able to benefit much within a short period, but still the right has got to be accepted, and it is that right that I am contending for in this House.

Dr. NARESH CHANDRA SEN GUPTA: I would be in sympathy with any proposal which provides for a periodical adjustment of the profits of this new taxation, but I find it difficult to support any of the concrete proposals which have been placed before the House, and which tie down the Government to a particular proportion. And I find it even more difficult to accept the principle upon which it has been attempted to found the arguments put forward by some of the speakers in favour of the principle. It has been reiterated more than once that Calcutta being made to pay for the benefit of the Province, and that Calcutta should not be fleeced for the benefit of the Province. That is the sort of argument which the citizens of Calcutta should be the last persons to make. They must remember that there is not a pice worth of real basic wealth produced in the city of Calcutta, every pice that comes ino Calcutta has been produced in the mufassal. It is necessary, therefore, to remind the House of this fact as an answer to that argument. Whenever a single pice is going to be taken out of Calcutta, Calcutta will go on crying out against it as a holy horror. It is not as if Calcutta is in particular need of this money. As a matter of fact, it cannot be suggested that there is any paucity of funds in the Corporation of Calcutta. On the contrary, where now every other institution is starving, we might say that the position of the Corporation of Calcutta is, I might almost say, one of a plethora of funds.

Having regard to that, I am not at all impressed with the argument that the Calcutta Corporation is going to lose. Calcutta has got to make its contribution for the improvement of the Province. Calcutta is what it is, because of the labours of the people of the Province (Hear! Hear!) and it is time that it began to think its contribution to the Province in a more generous spirit.

Babu SATISH CHANDRA RAY CHOWDHURY: I oppose the amendments. The movers of the three amendments have spoken like advocates of the Calcutta Corporation, and it is no wonder because they are members of the Corporation——

Rai Dr. HARIDHAN DUTT Bahadur: On a point of order, Sir, I am no longer connected with the Corporation; I am no longer a member.

Babu SATISH CHANDRA RAY CHOWDHURY: He was for a long time a member, and he hopes to be a member again; Mr. Guha also seems to me to forget that he also belongs to Barisal, though he is a member of the Calcutta Corporation. But happily he went so far as to say he would be satisfied only with the acceptance of the principle of adjustment. That is all very well coming from him, had it not been for that fact this Rs. 4½ lakhs would not be touched. It is with

regard to the excess that he was prepared to give and take. In other words, it is "heads, I win, tails, you lose"; so if there is to be any adjustment at all, the adjustment must cover not only the extra but also the present payment. What is the guarantee that we are going to have 4½ lakhs of rupees for all time to come? Mr. Guha spoke of the figures of 1930, but he was careful enough not to speak of the current year. This year, there is a tremendous deficit in the Corporation's budget; that deficit must come partly under the head of this particular revenue also. (A VOICE: No.) What is the principle underlying this Bill?

Mr. J. CAMPBELL FORRESTER: Is it a question of the legal income of the whole of the Corporation? I am afraid he is referring to the Corporation as a whole.

Mr. D. J. COHEN: I can perhaps give him the figure that may satisfy him. The budget estimate prepared by the Chief Executive Officer on the first 9 months receipts of the coming year was Rs. 5,20,000 more than we had before——

Mr. C. W. GURNER: It has to be ascertained whether or not those figures include realisation from motor vehicles——

Babu SATISH CHANDRA RAY CHOWDHURY: The principle underlying this Bill is that no body should claim a full share of the funds derived under it. For instance, when this income comes to be distributed amongst different areas, no district should be allowed to say that because it has yielded so much, therefore it is entitled to so much every year. On the contrary, the general idea is to have a general fund to meet the needs of those areas mostly in need of help. Another reason, probably the main reason, is to help the mufassal areas which are in a very bad way; it is not only for Calcutta that this Bill is introduced, but really to improve the general condition of communications in the whole of the Province. I may say, Sir, that in the mufassal the roads are really in a very dangerous condition, and every year they are going from bad to worse. The business firms in Calcutta who make large profits by selling cars and buses to mufassal customers should make some contribution. The Calcutta Corporation has so far benefited by these profits, and it is, therefore, bound to surrender a portion of that income for the benefit of the mufassal roads. Road improvement will lead to an increased demand for motors and lorries, and, therefore, as a business proposition, they should contribute towards the improvement of the roads. The improvement of the roads also would induce cultivators to use motor transport for the carriage

of their produce, as it would provide facilities for the quick transport of their goods. Our jute producers lose very much at present owing to difficulties of transport. We know from experience that in a particular area, where the nearest market is about 20 miles distant, and the difference in the price in the two places due to cost of transport is about Re. 1-8 to Rs. 2. These facts ought to be taken into consideration, as improvements which would help the cultivators would benefit the prosperity of the city and the citizens; improved condition of the roads would bring the markets nearer to the cultivators. The prosperity of the cultivator means the prosperity of the city, and it will lead ultimately to the expansion of the business of Calcutta. It cannot be denied that the prosperity of the city depends on the prosperity of the producer. Looking at it from the point of view of justice, the citizens of Calcutta should not grudge the contribution demanded from them if that is regarded as a contribution at all.

5-45 p.m.

A very large part of the revenue derived from mufassal is spent in Calcutta. So, it is not right to say that Calcutta is going to be robbed. A large part of the revenue raised in mufassal, as I have said, is spent in Calcutta in maintaining the Calcutta police and such other items. My friend Maulvi Abul Kasem raises this point every year in the Council against the spending of mufassal money in maintaining the Calcutta police. It cannot be said that Calcutta is being robbed in order to benefit the mufassal. On the contrary, the mufassal is always bearing a heavy share of the burden which ought to fall on Calcutta as the premier city. This amendment is surely a very selfish and a parochial one, and, therefore, unpatriotic. Rai Bahadur Dr. Haridhan Dutt says that he would be satisfied with 75 per cent. (A VOICE: No, 50 per cent.) Well, even if it is 50 per cent., I should say that his claim is far from being moderate! Because the cost of collection will fall entirely on the Government. Even the present provision in the Bill is a sort of *patni* right granted by the Corporation, on the basis of current rent without a deduction. Personally I consider this Rs. 4½ lakhs to be too large, and I have already submitted my reasons why this is too large. Calcutta ought to surrender a portion of the revenue for the benefit of the mufassal—on whose prosperity the prosperity of Calcutta ultimately depends. In the original Bill, it was Rs. 4 lakhs, and I understand that it was at the instance of Mr. Guha that the Hon'ble Minister has added another Rs. 50,000 to it in order to purchase peace. I think that this is already too large, and that there should be no further increase. Mr. Guha's achievement, I am sure, will be recorded in the Corporation although he cannot be the spokesman of the Corporation as he has no constituency, being a nominated member. He had no right to speak and negotiate on behalf of the Corporation.

Sir, as I have already said this Rs. 4½ lakhs is too high, and, therefore, we should only support the original terms——

(Here the member, having reached his time-limit, resumed his seat.)

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, a reference has been made by more than one member to the note of dissent that was put in on this point by me and by Mr. Gurner. That itself goes to show that the Government did not start with any bias against the Calcutta Corporation, if at all it was in favour of the Calcutta Corporation. We thoroughly examined this point and came to the conclusion that no further addition to this amount should be made.

Sir, there are three amendments. The first amendment is of Rai Dr. Haridhan Dutt Bahadur in which he suggests that this amount should be earmarked for being spent on the improvement of roads by the Corporation. It is wholly unnecessary because the Corporation spends, I think, four times Rs. 4½ lakhs on Calcutta roads.

Then as regards the second amendment of Rai Dr. Haridhan Dutt Bahadur in which he suggests that the local Government should spend this amount in constructing new roads or maintaining old roads in Calcutta, the Government of Bengal has no jurisdiction over the roads of the Calcutta Corporation. They are an autonomous body. I am certain that my friend Rai Dr. Haridhan Dutt Bahadur as a champion of the Calcutta Corporation, will resent any interference by Government.

Administratively the third amendment of Mr. Guha and Mr. Cohen would have been most acceptable, but for the reasons which I am going to explain, it is not possible for Government to do so. Assuming that the revenue from this Bill would be about Rs. 10 lakhs annually, Rs. 4½ lakhs being already earmarked for the Corporation, the balance would be Rs. 5½ lakhs and if we accept the proposed amendment to pay 50 per cent. of the excess revenue it would come to about Rs. 2,75,000. In that case, about Rs. 7,25,000 would go to the Corporation and only Rs. 2,75,000 would be left for the mufassal. I leave it to the House to decide whether this is fair.

The Calcutta Corporation was given a special right to impose taxation on motor vehicles which other municipalities in this province were denied. Now Government takes away that right in the interest of local bodies, by this Bill. So, there is no such thing as Calcutta money. The whole thing is based on misconception of right. I would request Mr. Guha, Mr. Cohen, Rai Dr. Haridhan Dutt Bahadur and other supporters of the claims of the Corporation not to get impatient. Let Government watch the working of this Act for a year or two, and then if they find that it is an injustice to the Corporation to deprive them of a share of the increase, they will, I am sure, come forward with an amending Bill. But there is no justification for increasing

the share of the Corporation to-day by incorporating the amendments in the Bill. Moreover, for the information of the House I may say that this income has a downward tendency. In the year 1931, there was about Rs. 10,000 less collection on account of the license of drivers and registration of cars. There was a slight increase in the case of motor buses, but private cars went down by over 33½ per cent. By assuring this income of Rs. 4½ lakhs to the Corporation, I think Government have been very fair to them, and in no way unjust as Mr. Guha wants to maintain.

With these words, Sir, I would oppose all the amendments.

The following motions were then put and lost:—

That to clause 10 (*1*), the following provisos be added, namely:—

"Provided that in case the nett amount realised by the Local Government on account of the tax imposed under this Act on all motor vehicles kept or used within the municipal limits of Calcutta as defined in the Calcutta Municipal Act, 1923, exceeds Rs. 4½ lakhs in any year, the Local Government shall pay in respect of that year to the Corporation a further sum equivalent to 50 per cent. of the amount by which the actual nett realisation exceeds the aforesaid sum of Rs. 4½ lakhs:

Provided further that such excess sum as may be paid by the Local Government in accordance with the above proviso shall be expended by the Corporation for such work or works in connection with the construction, maintenance or improvement of new or existing roads within the municipal limits of Calcutta as the Corporation may, with the approval of the Local Government, decide."

That to clause 10 (*1*) the following proviso be added, namely:—

"Provided that in case the nett amount realised by the Local Government on account of the tax imposed under this Act on motor vehicles kept or used within the municipal limits of Calcutta as defined in the Calcutta Municipal Act, 1923, exceeds Rs. 4½ lakhs in any year, the Local Government shall expend on the construction, maintenance or improvement of new or existing roads within the municipal limits of Calcutta, 50 per cent. of the amount by which the actual nett realisation exceeds the aforesaid sum of Rs. 4½ lakhs."

That after clause 10 (*1*) the following new clause be inserted, namely:—

"(*1a*) The Local Government shall, after every two financial years commencing with April, 1934, examine and adjust the revenue derived from the taxes on the motor vehicles in Calcutta and shall pay to the said Corporation one half of the excess nett revenue, if any, over and above the sum of four and a half lakhs aforesaid."

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

The motion was put and agreed to.

[At 6-5 p.m., the Council was adjourned for prayer and it re-assembled at 6-15 p.m.]

Clause 11.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

Rai Dr. HARIDHAN DUTT Bahadur: I beg to move that in clause 11 (*2*), line 1, after the words "shall be" the words "credited to a separate fund and shall be" be inserted.

My purpose is very simple. I believe my friends will all agree that it is desirable that a separate account should be kept of the taxes that will be realised for a definite purpose and the proceeds should be kept distinct from other Government revenues. At the same time I would like not to be misunderstood and I must at once say that I do not want that a separate purse should be constituted. All I want is that the account should be kept; it may be merely a paper concern. I do not want separation of purse. I believe that unless this is done it will be very difficult to find out how the fund has been going on, what expenditure is being incurred from this fund and difficulties might thus arise. That is the reason why I suggest that the words "created to a separate fund and shall be" be inserted.

The Hon'ble Mr. A. MARR: If this amendment is accepted as it stands, it will lead to difficulties. There cannot be separate funds for Government revenues. I think what every one in this House really wants is that an account be kept from year to year showing the opening balance from the previous year, receipts during the year, the source from which the receipts came and the expenditure during the year and, if necessary, the items on which that expenditure has been incurred and also the closing balance. I think that is what is wanted. I would suggest, therefore, that, if there is no objection, the amendment might be changed to "the proceeds of the tax shall be entered in a separate account and shall be".

Rai Dr. HARIDHAN DUTT Bahadur: If the proceeds of the tax be entered in a separate account that will meet my purpose and on this assurance I will withdraw my motion, and accept the one proposed by the Hon'ble Mr. Marr. So I will move that amendment in a modified form, viz.:—That in clause 11 (*2*), line 1, after the words "shall be" the words "entered in a separate account and shall be" be inserted.

The motion was put and agreed to.

The following motion was called but not moved:—

Rai SATISH CHANDRA MUKHERJI Bahadur to move that to clause 11, the following sub-clause be added, namely:—

'(3) The Local Government shall every year contribute to every local authority in the Presidency at least a fair proportion of the tax levied upon cars kept or used within its jurisdiction.'

Mr. PRESIDENT: The question is that clause 11, as amended, stand part of the Bill.

The motion was put and agreed to.

New Clause 11A.

Babu SATYENDRA NATH ROY: Sir, at the beginning when the Hon'ble Minister asked that the Bill be taken into consideration——

Mr. PRESIDENT: Are you moving your amendment?

Babu SATYENDRA NATH ROY: Yes, Sir, but I intend to make a slight alteration in the motion that stands in my name, namely, that instead of the words "power of supervision regarding" I wish to use the words "power of advising on", so that the whole motion would read thus:

"That after clause 11, the following new clause be inserted, namely:—

'11-A. The Local Government shall constitute a Board to be known as the Bengal Motor Vehicles Board consisting of not less than 12 members and at least half of which shall be the representatives of the local authorities and such Board shall have the power of advising on the application and distribution of the proceeds of the tax according to section 11 of the Act and such Board shall hold office for a term of three years and be reconstituted after every such term.' "

I hope there will be no objection to my moving this motion in this amended form.

In moving the motion I might state that members of this Council are aware that acting on the recommendations of what is known as the Jayakar Committee the Central Government constituted a Central Board and that Board controls mainly the distribution to the provinces of the tax levied on petrol. There is also the Provincial Road Board

which generally considers proposals for the better construction of the main roads of our province and selects such roads. I have no idea of the approximate amount of tax which will be realised by this new taxation but I think it will be nothing less than Rs. 15 to Rs. 16 lakhs. The Board which I propose shall have the power of advising Government regarding the application and distribution of the proceeds of the tax according to clause 11. The number of members of the Board as proposed by me would be twelve and at least half shall be the representatives of the local authorities, viz., the district boards and municipalities and the term of life of the Board would be three years. If there is no Board is the Minister of Local Self-Government to work this branch of the administration himself? If so, I should say too much work would be thrown upon him. Would it not be more practical if the Minister is helped in this matter by a Board in which there would be the representatives of the local authorities and other persons interested in Road Development Schemes? The Hon'ble Minister of Local Self-Government cannot possibly have personal knowledge of all local wants and he would naturally have to depend upon the reports of District Officers. I do not mean to suggest that such reports would not be of any assistance but would it not be much better if they were amplified and scrutinised by representatives of local authorities and experts? This Board would, to a certain extent, be a parallel Board to the Road Development Board of the Province and, I am sure, if constituted, would be a great help for the administration and application of such a heavy amount of tax. I am thankful to the Hon'ble Minister that although he has not seen his way to accept my original proposal regarding the power of the Board he has accepted the principle of the existence of such a Board even as an advisory body for the application and distribution of the proceeds of the tax under section 11 of the Act.

Mr. P. N. GUHA: Mr. President, Sir, I am sorry I am to oppose the motion of my friend Mr. Satyendra Nath Roy regarding the establishment of an Advisory Board. The Hon'ble Minister has expressed his willingness to accept the proposal, but that is no reason why the House should give its consent for the creation of a board which will neither be here nor there. Mr. Roy wants a board of at least 12 members, half of which must be the representatives of the local bodies in Bengal. There are 25 district boards and 172 municipalities and how six members can represent the interests of these bodies? Will they be elected? If so, by whom and in what manner? If Mr. Roy thinks that the Government should nominate the members of the board, then he can take it that the acceptance of his motion will place the Government in a most awkward position.

Sir, the Road Board is already there and it is functioning. Why not reconstitute it on an elective basis and entrust the working of the Motor Vehicles Act to it? Sir, I for one cannot realise the necessity

of a purely advisory board as proposed by Mr. Roy. In fact an advisory board is neither here not there and the position of such a board is absolutely untenable in these days. The Government may or may not act according to the advice given by such a board and if they do not, there is bound to be heart-burning and adverse criticism. I would welcome the establishment of an elected board if the working of the Act were entrusted to it. We should not even think of a powerless board.

Sir, my friend Mr. Roy has forgotten another side of the question. He has not taken into account the fact that a board like this will unnecessarily be a burden on the taxpayers. The mufassal members of the board, say from such distant places as Chittagong and Tangail, will have to be paid their travelling and halting expenses. That will amount to a decent sum annually and the money will have to be found out of the tax realised from the motor vehicles. One fails to realise why such an expenditure should be incurred for the maintenance of a board which will have absolutely no control over the working of the Act. The idea is ill-conceived and I very strongly oppose it.

Dr. NARESH CHANDRA SEN GUPTA: I regret to say that I cannot support the motion in the amended form in which it has been moved. It may be that Government have all on a sudden contracted an extreme fondness for these advisory boards which I consider to be a fifth wheel to the coach. They serve no useful purpose whatsoever. The suggestion for the formation of a Board like this could be understood if it had the distribution of money in its hands and was entrusted with the duty of allocating funds to local bodies. But if that cannot be done, I should much prefer that Government should distribute this money after receiving requisitions from the various district boards settled, if necessary, after a conference. A simple advisory body like the one proposed will have no special credentials upon which to advise. My friend Mr. Guha has suggested that the functions intended for this Board should be given over to the Road Board. I certainly disagree with that.

6-30 p.m.

The Road Board is an executive body to carry on a programme of road-making in Bengal. For that purpose they may be well fitted; but this is a different proposition. They are charged with the administration of a particular fund in a particular way. With regard to the question of distribution of funds in this case, I may say that the funds must be distributed over all the municipalities and district boards within which they are collected. The Road Board looks at it from a different point of view. If the money derived from the motor tax is given to the Road Board for distribution, the great arterial roads of the province will swallow up most of the money and the smaller roads

which have greater need for money will be neglected. I submit that the district boards and municipalities are the bodies which should be entrusted with the administration of the funds. I would rather leave the question of distribution of money to the Hon'ble Minister than to the Road Board.

Mr. C. C. COOPER: Sir, I have an open mind about this amendment, although I fail to see the necessity of the Board. If, however, the amendment is to be accepted I would suggest that it might be more happily worded. In lieu of the existing words the following may be substituted:—

"at least half of whom shall be representatives of local authorities"

Mr. PRESIDENT: I do not quite follow you. Is it your intention to propose an amendment to this motion?

Mr. C. C. COOPER: I would like to change the wording of the amendment.

Mr. PRESIDENT: I had better tell you what the Legislative Department suggest from the drafting point of view. The amendment will run thus:—

"11-A. The Local Government shall constitute a Board to be known as the Bengal Motor Vehicles Board consisting of not less than 12 members at least half of whom shall be representatives of local authorities and such Board shall advise on the application and distribution of the proceeds of the tax according to section 11 and the members shall hold office for a term of three years and the Board be reconstituted after every such term."

I think that satisfies you?

Mr. C. C. COOPER: Yes, Sir.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have no objection.

(Babu Satyendra Nath Roy also signified his acceptance.)

The motion, as amended, was then put and a division taken with the following result:—

AYES.

Bal, Mr. Sarat Chandra.	Roy, Babu Satyendra Nath.
Basu, Mr. Narendra Kumar.	Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Gurner, Mr. C. W.	Sadaatullah, Maulvi Muhammad.
Hosain, Nawab Musharraf, Khan Bahadur.	

NOES.

Ali, Maulvi Syed Nausher.	Khan, Khan Sahib Maulvi Muazzam Ali.
Austin, Mr. J. M.	Khan, Maulvi Tamizuddin.
Bannerjee, Babu Jitendralal.	Maguire, Mr. L. T.
Birkmyre, Mr. H.	Mason, Mr. G. A.
Chaudhuri, Babu Kishori Mohan.	Miller, Mr. C. C.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.	Ordish, Mr. J. E.
Choudhury, Maulvi Nurai Absar.	Raheem, Mr. A.
Chowdhury, Maulvi Abdul Ghani.	Rahman, Maulvi Azizur.
Clark, Mr. I. A.	Rahman, Mr. A. F.
Cohen, Mr. D. J.	Rahman, Mr. A. F. M. Abdur-
Cooper, Mr C. G.	Ross, Mr. J.
Dain, Mr. G. R.	Sahana, Babu Satya Kinkar.
Guha, Mr. P. N.	Sarkar, Sir Jadunath.
Hakim, Maulvi Abdul.	Sarker, Rai Sahib Rebati Mohan.
Haque, Khan Bahadur Maulvi Azizul.	Shah, Maulvi Abdul Hamid.
Hossain, Maulvi Muhammad.	Travers, Sir Lancelot.
	Wordsworth, Mr. W. C.

The Ayes being 7 and the Noes 33 the motion was lost.

Clauses 12 and 13.

Mr. PRESIDENT: The question is that clauses 12 and 13 stand part of the Bill.

The motion was put and agreed to.

Clause 13A.

Mr. PRESIDENT: The question is that clause 13A stand part of the Bill.

The following motions were called but not moved:—

Rai SATISH CHANDRA MUKHERJI Bahadur to move that clause 13A be omitted.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in clause 13A, lines 5 to 8, the words beginning with "and, in the event" and ending with "two hundred rupees" be omitted.

Mr. PRESIDENT: The question is that clause 13A stand part of the Bill.

The motion was put and agreed to.

Clause 14.

Mr. PRESIDENT: The question is that clause 14 stand part of the Bill.

The following motion was called but not moved:—

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in clause 14, line 2, for the word "second" the word "first" be substituted.

Mr. PRESIDENT: The question is that clause 14 stand part of the Bill.

The motion was put and agreed to.

Clause 15.

Mr. PRESIDENT: The question is that clause 15 stand part of the Bill.

The following motions were called but not moved:—

Rai SATISH CHANDRA MUKHERJI Bahadur to move that clause 15 be omitted.

Mr. PRESIDENT: The question is that clause 15 stand part of the Bill.

The motion was put and agreed to.

Clause 16.

Mr. PRESIDENT: The question is that clause 16 stand part of the Bill.

The motion was put and agreed to.

6-45 p.m.

The First Schedule.

Mr. PRESIDENT: The question is that the First Schedule stand part of the Bill.

The following motions were called but not moved:—

Babu SATYENDRA NATH ROY to move that in the First Schedule under the heading "*I.—Bicycles and Tricycles*," in item No. (*a*) (*ii*) in the second column for the words "Thirty rupees" the words "Twenty rupees" be substituted.

MUNINDRA DEB RAI MAHASAI to move that in the First Schedule under the heading "*I.—Bicycles and Tricycles*," in item No. (*a*) (*ii*) in the second column for the words "Thirty rupees" the words "Twenty-five rupees" be substituted.

MUNINDRA DEB RAI MAHASAI: I beg to move that in the First Schedule under the heading "*I.—Bicycles and Tricycles*," in item No. (*b*) in the second column for the words "Forty rupees" the words "Thirty rupees" be substituted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I accept the amendment.

The motion of Munindra Deb Rai Mahasai was then put and agreed to.

Mr. C. C. COOPER: Mr. President, Sir, I beg to move that in the First Schedule for the entries under the heading "*II.—Vehicles for carrying passengers not plying for hire*," the following be substituted, namely:—

"(*a*) Vehicles not measuring more than fifty square feet over-all	Forty rupees.
(*b*) Vehicles measuring more than fifty square feet but not measuring eighty square feet over-all	Fifty rupees.
(*c*) Vehicles measuring eighty square feet and more than eighty square feet over-all ..	Seventy rupees.

Area to be measured by wheel base × track."

I do not propose to make any lengthy speech, but to confine my remarks into as few words as possible.

I opposed the basis of taxation on seating capacity in the Select Committee as in my opinion the principle is entirely wrong, and will lead to hopeless confusion in practical working. The only satisfactory method is on an area basis for which the formula of wheel base multiplied by track is the only possible standard.

The wheel base and track are standard specifications of all motor vehicles and the acceptance of these measurements would make for uniformity of procedure throughout the Province.

The Bengal Chamber of Commerce and the Motor Industries Association with whom I have been in close touch support my amendment. My amendment brings the actual tax in closer relation to the existing taxation, but grades it more equitably as regards the size of car. It is only fair that the large heavier cars which take up more room on the roads to cause greater wear and tear on the roads should pay more than the small cars which use less of the roads and cause less wear and tear.

With these few remarks I commend my amendment to the acceptance of Government.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, this principle of taxation is in force in Calcutta and I have much pleasure in accepting the amendment.

The motion of Mr. C. G. Cooper was then put and agreed to.

The following motions failed:—

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire,*" in item No. (*a*), after the word "persons" the words "exclusive of the driver" be added.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire,*" in item No. (*a*) in the second column for the words "Forty rupees" the words "Fifteen rupees" be substituted.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire,*" in item No. (*a*) in the second column for the words "Forty rupees" the words "Twenty-five rupees" be substituted.

MUNINDRA DEB RAI MAHASAI and Babu SATYENDRA NATH ROY to move that in the First Schedule under heading "*II.—Vehicles for carrying passengers not plying for hire,*" in item No. (*a*) in the second column for the word "Forty rupees" the words "Thirty rupees" be substituted.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire,*" for item No. (*a*) the following be substituted, namely:—

		Annual rate of tax.
(*a*) Seating not more than 3 persons besides the driver.	In case of a car the value of which does not exceed Rs. 3,000 while new.	Twenty rupees.
	In case of a car the value of which does not exceed Rs. 5,000 while new.	Forty rupees.
	In case of a car the value of which exceeds Rs. 5,000 while new.	Sixty rupees.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire,*" in item No. (*b*) after the word "persons" the words "exclusive of the driver" be added.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire*" in item (*b*) in the second column for the words "Fifty rupees" the words "Thirty rupees" be substituted.

MUNINDRA DEB RAI MAHASAI, Babu SATYENDRA NATH ROY and Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire,*" in item No. (*b*) in the second column for the words "Fifty rupees" the words "Forty rupees" be substituted.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire,*" in item No. (*c*) after the word "persons" the words "exclusive of the driver" be added.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading "*II.—Vehicles for carrying passengers not plying for hire,*" in item No. (*c*) in the second column for the words "Sixty rupees" the words "Forty rupees" be substituted.

MUNINDRA DEB RAI MAHASAI and Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the

heading *"II.—Vehicles for carrying passengers not plying for hire,"* in item No. (*c*) in the second column for the words "Sixty rupees" the words "Fifty rupees" be substituted.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading *"II.—Vehicles for carrying passengers not plying for hire,"* item No. (*d*) be omitted.

MUNINDRA DEB RAI MAHASAI to move that in the First Schedule under the heading *"II.—Vehicles for carrying passengers not plying for hire,"* in item No. (*d*) in the second column for the words "Seventy rupees" the words "Sixty rupees" be substituted.

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in the First Schedule under the heading *"III.—Vehicles for carrying passengers plying for hire,"* before item No. (*a*) insert the following new item, namely:—

"(*a1*) Seating not more than five persons—Forty rupees—Fifty rupees."

Babu SATYENDRA NATH ROY: Sir, as I shall be rather long in moving items 45 to 47 and there is not much time left—only 5 minutes—I would ask you, Sir, to adjourn the discussion.

Mr. PRESIDENT: If you like to move your amendments you may do so as we may go on even after seven o'clock.

Babu SATYENDRA NATH ROY: Sir. I beg to move that in the First Schedule under the heading "III—Vehicles for carrying passengers plying for hire" in item No. (*a*) in the second column for the words "Seventy-five rupees" the words "Sixty rupees" shall be substituted, and in the third column for the words "One hundred rupees" the words "Seventy-five rupees" be substituted.

Sir, members of Council are aware that the Select Committee on this Bill considered the rates on the different motor vehicles in the latter end of August last. Since that time much has happened regarding the taxation not only in Bengal, but in the whole of India. The motor vehicles and accessories have been specially taxed. There has been an increase not only in the price of motor vehicles but in their upkeep by the enormous increase in the price of all accessories such increase amounting to about 40 per cent.——

Mr. PRESIDENT: Mr. Roy, will you move all your amendments together and make one speech on them?

Babu SATYENDRA NATH ROY: Yes, Sir, if you will allow me to do so.

Mr. PRESIDENT: Very well.

Babu SATYENDRA NATH ROY: I beg to move formally that in the First Schedule under the heading "III—Vehicles for carrying passengers plying for hire" in item No. (*b*) in the second column for the words "Three rupees" the words "Two rupees" be substituted and in the third column for the words "Four rupees" the words "Three rupees" be substituted.

I beg also to move that in the First Schedule under the heading "III —Vehicles for carrying passengers plying for hire" in item No. (*c*) in the second column for the words "Two rupees" the words "One rupee" be substituted, and in the third column for the words "Four rupees" the words "Three rupees" be substituted.

Sir, my special plea to-day is for public buses. It may be said that this taxation was the action of the Central Government, but if the Central Government and the provincial Government press an industry from both sides, where is it to take shelter. The motor bus has come in as a very convenient public means of transport. I do not certainly mean to say that they should not contribute to the maintenance of our roads, for on the presentation of this Bill I supported the principle of taxation. But is it not fair that in imposing the rates we should see that the trade not only thrives but prospers, and the taxes are paid without much hardship to the taxpayer? I have been supplied with figures which go to show that in Calcutta one bus pays about Rs. 8,000 per annum in the shape of taxes on petrol, tyres, tubes, and other accessories. I think that some hon'ble members are aware how the increase in the rates of our post-cards and letters has affected their number and that in Madras the heavy taxation on motor buses caused a falling off in the number by about 700. If the trade thrives, if the taxation of the Central Government is lowered, then it would be time for us to amend the Bill and increase the rates, but in the immediate future we should be cautious and see that there is no hardship on the bus which has been substituted as another means of transport. In Calcutta the bus owners have got a very formidable rival means of transport, viz., the Calcutta Tramway Company. There has been rather of late an unhealthy competition between the Tramway Company and the bus owners and both of them have been cutting down the rates to the detriment, I should say, of the interests of both the parties. I therefore

think that it is the duty of the members of this Council to see that there is no monopoly by any particular company or any particular branch of the industry. With these few words I move the amendments.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I should like to oppose the amendments of Mr. Roy and my reasons are these. The rate of taxation as provided for in the original Bill for eight-seater buses was Rs. 100 and it was reduced to Rs. 75 by the Select Committee. The amount that is paid by the bus owners to the Calcutta Corporation is Rs. 60; so the difference is only Rs. 15. I do not see why Mr. Roy raises any objection. I have very carefully considered the matter and I think the Select Committee also considered it when fixing the amount.

The motions of Babu Satyendra Nath Roy were then put and lost.

The following motion was called but not moved:—

Rai SATISH CHANDRA MUKHERJI Bahadur to move that in First Schedule under the heading "*IV.—Vehicles for transport of goods*"—

(*i*) in item No. (*b*) in the second column for the words "One hundred rupees" the words "Seventy-five rupees" be substituted and in the third column the words "and fifty" be omitted.

(*ii*) in item No. (*c*) in the second column the words "and Twenty-five" be omitted and in the third column for the words "Seventy-five" the word "Fifty" be substituted.

Mr. PRESIDENT: The question is that the First Schedule, as amended, stand part of the Bill.

The motion was put and agreed to.

The Second Schedule.

Mr. PRESIDENT: The question is that the Second Schedule stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: I now go back to clause 2, Definitions. The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

The Preamble.

Mr. PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Motor Vehicles Tax Bill, as settled in Council, be passed.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m., on Wednesday, the 17th February, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council [illegible] under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 17th February, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 103 nominated and elected members.

Starred Questions

(to which oral answers were given).

Muhammadan head clerks in the offices of Inspectors of Schools and Inspector of European Schools.

*61. **Mr. KHWAJA SALA-UD-DIN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the present number of Muhammadan head clerks in the offices of the Inspectors of Schools of the divisions including the office of the Inspector of European Schools in Bengal?

(*b*) Are there qualified Muhammadan candidates for such posts?

(*c*) Are the Government considering the desirability of taking steps to appoint more Muhammadans to the posts of head clerks in the offices referred to?

SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. H. R. Wilkinson): (*a*) One Muhammadan head clerk.

(*b*) Yes.

(*c*) The claims of Muhammadan clerks will be duly considered along with those of other senior and eligible candidates, when vacancies occur.

Maulvi SYED MAJID BAKSH: May I ask when it will be possible to consider the matter?

Mr. H. R. WILKINSON: When vacancies occur.

School Libraries.

*82. **MUNINDRA DEB RAI MAHASAI:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the year 1929-30 the—

(*i*) number of books in the school library;

(*ii*) amount spent on books;

(*iii*) total number of students;

(*iv*) average daily issue of books in 1929-30; and

(*v*) qualification of the teacher in charge of the library in each of the Government schools in the province.

Mr. H. R. WILKINSON: A statement is laid on the Library table.

MUNINDRA DEB RAI MAHASAI: If a copy of the statement be not supplied now, how is it possible for us to ask for further information?

Mr. PRESIDENT: But a copy was placed on the library table, have you not read it?

MUNINDRA DEB RAI MAHASAI: No.

Mr. PRESIDENT: Then you had better do so.

Statement containing report of the Tippera incidents, made with the permission of the Hon'ble President.

The Hon'ble Mr. W. D. R. PRENTICE: I mentioned the other day that as soon as I received a report from Tippera, I would inform the Council of the facts. I have received a report from the District Magistrate who has just returned from Hossainabad (police-station Laksam) with the Superintendent of Police. His report is:—

"It appears from the Officer-in-charge, Laksam, and the 2nd Sub-Inspector, both of whom are present at Hossainabad, that at the instance of Mukhleswar Rahman and Krishna Sundar Bhaumik (leading agitators who with others have been served with orders under section 4, Ordinance II of 1932, after the expiry of their detention in jail under section 3) some leaflets had been distributed instigating the members of the Krishak Samity, Comilla (which has been declared

unlawful under the Criminal Law Amendment Act of 1908) to bring out processions with national flags and anti-Government slogans on the 13th instant at Hossainabad and other places. The officer-in-charge met the *Matbars* (leaders) of the neighbouring villages of Hossainabad from the 11th instant and having explained to them the illegalities of these things requested them to use their influence in preventing such unlawful processions, etc. They agreed to the proposal of the Sub-Inspector and promised to carry out his directions. On the 13th instant, however, some 20 or 25 men of some other villages and of Hossainabad came out with a procession and national flags at midday. The Sub-Inspector approached them and explained to them the illegality of their action and asked them to go away. While he was talking to these people a large number of men, numbering about one thousand, came out unexpectedly in a procession armed with *lathis* from the direction of the last village of the Noakhali district which is very close to the place. The police had no previous intimation at all about this procession. These men had national flags with them and were shouting 'We are *swadhin* (Independent), *Bandemataram Allah-O-Akbar*' and as they proceeded towards the police the latter warned them that they were members of an unlawful assembly and asked them to disperse. Some of the men from the crowd, however, cried out 'Beat the *salas*' (meaning the police) and thereupon the mob began to assault the police with *lathis* and also threw on them hard clods of earth. Six of the constables were hurt and the 2nd Sub-Inspector began to bleed and narrowly escaped losing his eyes. He was hurt on the head, face and eyes and was also thrown down by them. Some of the rioters even rushed forward and seized one of the rifles that was in the hand of a constable and tried to snatch it away. It was only then that the officer-in-charge, in order to save his own life and the lives of his officer and men, ordered the latter to open fire. Some of the rioters were wounded and three very seriously (two of whom died later on) but even then the rioters were rowdy and they did not disperse. The constables were only 12 or 13 in number. The police thereafter retreated and took shelter in the house of Khetra Mohan Chaudhuri, a member of the Union Board, where they had been stopping from before, but the mob followed them even there, surrounded the house of Khetra Mohan Chaudhuri, demanded of him to make over the police to them and remained there in a menacing attitude till very late at night.

Meanwhile the officer-in-charge had sent through a chaukidar dressed as a *molla*, a draft of a telegram to the literate constable at Laksam for transmission to the Superintendent of Police (there being no telegraph office at Hossainabad) giving an account of the incident. This telegram was received at about 8 p.m., when 30 men in charge of the Deputy Superintendent of Police (a Deputy Magistrate also accompanied him) were sent to the place.

I have left there the Sadar Subdivisional Officer to hold the required magisterial inquiry and from what I was told at the spot it appears to me that the firing was justified and resorted to in self-defence after the police had been attacked by the rowdy mob. Had there been no firing, it is undoubted that the police would have been annihiliated by the mob. There is no question that these people were members of an unlawful assembly with the common object of breaking the law and were violent.

I will submit a further report after the inquiry of the Sadar Subdivisional Officer Rai Sahib N. C. Sen.

It is reported that besides the men who died on the spot (namely two and not three as reported by the police before) 35 more men were wounded but the injuries are said to be not very serious, excepting of one, as more buckshots were used than bullets. Only 13 men have come to the hospital.

The situation is under control. In fact it appeared to be normal and there was not the least stir or commotion in the villages through which we passed even at Hossainabad itself."

Maulvi SYED MAJID BAKSH: May I know the names of the District Magistrate and the Superintendent of Police?

The Hon'ble Mr. W. D. R. PRENTICE: Khan Bahadur Abdul Ghaffar is the District Magistrate and Mr. R. W. Bell, the Superintendent of Police.

Mr. PRESIDENT: I may tell the House at this stage that I have received a notice of a motion for adjournment on this particular subject, but I think that after the statement made by the Hon'ble Member, there will hardly be any necessity for moving that motion. If this is agreed, I would, with the consent of the Hon'ble Member in charge of the department concerned, allow some short-notice questions bearing upon the statement, to be put, but I do not know whether Mr. Hashemy and others would like such a course to be adopted.

Maulvi SYED JALALUDDIN HASHEMY: I would like to make an observation.

Mr. PRESIDENT: I hope you are not going to make any observations on a motion which is not before the House.

Maulvi SYED JALALUDDIN HASHEMY: I would like to press for the motion of which I have already given notice. If you allow that motion——

Mr. PRESIDENT: I have not yet examined your motion, and so I cannot give you permission to move it, but here is an opportunity for putting short-notice questions; if you wish you may grasp it as an alternative.

Maulvi SYED JALALUDDIN HASHEMY: But my intention is to know what the facts are——

Mr. PRESIDENT: I think it would save the time of the Council if you did not move your adjournment motion in view of the statement which the Hon'ble Member has made and put some questions instead if your intention is simply to know what the facts are.

Maulvi SYED JALALUDDIN HASHEMY: I would press for my motion.

Mr. SHANTI SHEKHARESWAR RAY: I am prepared to withdraw my notice.

Mr. PRESIDENT: I think you should. If the Maulvi Sahib stands by his motion, no question should be put now.

GOVERNMENT BILLS.

The Garden Reach Municipality Bill, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to present the report of the Select Committee on the Garden Reach Municipality Bill, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that the Bill, as reported by the Select Committee, be taken into consideration.

In doing so, I beg to mention that the Bill, as it was introduced in the Council, has been considerably modified by the Select Committee. The Council is aware under what circumstances the Bill was introduced. The changes which have been recommended by the Select Committee are mainly these—that there should be a nominated municipality for the first two years, so that the Municipality of Garden Reach should be formed as new municipalities are formed, and after two years there will be an election. Here the Government's right of having a nominated municipality or an elected municipality under the Bengal Municipal Act is taken away.

Another recommendation is that the existing valuation under the Calcutta Municipal Act should continue for the first year so that there might not be a sudden drop of revenue going back to the assessment as was in existence over seven years ago.

The third recommendation is that instead of Rs. 2 lakhs the contribution of the Calcutta Corporation to the proposed Garden Reach Municipality should be Rs. 2½ lakhs. Sir, this point has been very carefully examined by Government and they are satisfied that if a contribution of Rs. 2½ lakhs is made, the municipality will be in a position to carry on its normal work on the present basis, that is, on the basis of the Calcutta Corporation. Over and above that the municipality is expected to have a revenue of about Rs. 1,40,000 to Rs. 1,50,000 which would enable it to carry on certain capital works of improvement.

About the final adjustment of dues between the Calcutta Corporation and the proposed Municipality——

Mr. PRESIDENT: Are you dealing with the amendments?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am making a general observation referring only to certain amendments.

Mr. PRESIDENT: You cannot do so at this stage.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: All right, Sir. The Select Committee went into this question very thoroughly and they decided that the proposed Committee would have the final authority subject to Government's power of making necessary changes for reconciling any inaccuracies and inconsistencies in their report.

Sir, I may observe at this stage that Government consider the separation of Garden Reach as a retrograde step but they agreed to separation only by way of a compromise because they were opposed to the separation of Garden Reach including the King George's Dock. So, as all compromises are, this Bill is not a perfect measure but it is certainly a good compromise which I can recommend the House to accept.

In this connection I may say, Sir, that even if we can place Rs. 2½ lakhs at the disposal of the newly formed Garden Reach Municipality, that municipality will not be a source of menace to the health of the Dock area as it is apprehended in some quarters. I am sure it will be a very good municipality with sufficient income at their disposal to carry on their normal activities as well as works of improvement.

MUNINDRA DEB RAI MAHASAI: Mr. President, Sir, I wholeheartedly support the Bill sponsored by my friend the Hon'ble Minister for Local Self-Government. The separation of Garden Reach from Calcutta is long overdue. After its amalgamation with the Calcutta Corporation there was scarcely a session in the Council in which the separation of Garden Reach was not urged. The Corporation of Calcutta opposed it from the very start. The opposition was so strong that Mr. Suhrawardy's Bill though passed in the Council did not receive the assent of the Governor-General. Dr. Naresh Chandra Sen Gupta's Bill for separation did not fare better. I congratulate the Hon'ble Minister for the courage displayed by him in championing the popular cause and accepting the principle of self-determination. The people of Garden Reach cried themselves hoarse for separation but the Corporation stood adamant. Such happens to be the case with the people of Kalighat. They do not want to sever their connection with the Calcutta Corporation like Garden Reach. They want a separate ward for themselves, and the Corporation is up in arms against it. I hope the lesson of Garden Reach will be their future guide. The income derived from the King George's Dock is now the bone of contention. I hope the decision arrived at by the Select Committee is the best possible solution of the question and should be accepted by the House.

The motion that the Garden Reach Municipality Bill, 1931, as reported by the Select Committee, be taken into consideration was then put and agreed to.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill

Mr. C. W. GURNER: Sir, I beg to move that in clause 1 for the figures "1931" the figures "1932" be substituted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I accept the amendment.

The motion that in clause 1 for the figures "1931" the figures "1932" be substituted was then put and agreed to.

Mr. PRESIDENT: The question is that clause 1, as amended, stand part of the Bill.

The motion was put and agreed to.

Clauses 3 to 6.

Mr. PRESIDENT: The question is that clauses 3 to 6 stand part of the Bill.

The motion was put and agreed to.

Clause 7.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

Mr. D. J. COHEN: I beg to move that for clause 7 (*2*) the following be substituted, namely:—

"(*2*) On receipt of the report, the Local Government shall, after consultation (if necessary) with the Corporation of Calcutta and the representatives of the Garden Reach area on the Committee issue orders in accordance with the report of the Committee or with such modifications as the Local Government may consider necessary and may subsequently amend or add to such orders."

Sir, the object of my amendment is to remove a possibility that might arise. Certain important measures may be passed by the casting vote of the Chairman or notes of dissent may show some very important points which may require further elucidation and consideration. My amendment is to give option to the Government in case they consider that certain points require further consideration, they may either decide the issue or ask either the Corporation of Calcutta on the one hand or the representatives of the Garden Reach Municipality on the other for further particulars and on receiving those particulars they could arrive at a reasonable decision. I do not think, Sir, that there should be any objection to this for after all Government is not expected to support one side or the other.

Babu JITENDRALAL BANNERJEE: Sir, I am sorry I cannot agree with Mr. Cohen's amendment. I am opposed to it because I consider it to be entirely superfluous. It shows a distrust of the Committee that has been proposed. This Committee is going to deal with certain outstanding questions regarding the financial relations between the Calcutta Corporation and the newly formed Municipality of Garden Reach. Mr. Cohen suggests that their decision should be

subject to interference by the Government. But he forgets at the same time what is the constitution of the Committee. Practically speaking, it will be a Government Committee. The Committee will consist of seven members: two of these would be elected representatives of the Calcutta Corporation; two others will be representatives from the Garden Reach area to be nominated by the Government, while the remaining three will be Government nominees entirely, and the Government will nominate the Chairman. Thus it will be a Committee largely composed of Government nominees and in which the Government will have the final say. Mr. Cohen proposes that the Committee should submit its report and that the Government, after receiving the report, would be free to accept it or not just as it pleases. If that is the idea, then what is the good of setting up a Committee at all? I myself am not enamoured of the idea of a Committee. I would much rather leave the whole thing in the hands of the Government. If you set up a Committee, there is absolutely no reason why you should not act upon the report of that Committee, or why their decision should be disregarded and the whole question referred back to the Government. I know that there are people who are very fond of establishing committees, and then, after the Committee has finished its labours, of finding some means for neglecting its considered views and upsetting its whole decision. I am opposed to that kind of procedure, and therefore, I oppose Mr. Cohen's amendment.

Rai Dr. HARIDHAN DUTT Bahadur: Sir, I think Mr. Bannerjee has already given you the reasons for opposing Mr. Cohen's amendment which is not a fair one. Mr. Cohen was in the Select Committee where the whole matter was threshed out. I think I am not revealing the secrets of the Committee when I say that it was decided that there should not ordinarily be any Government interference. In case such interference is found to be necessary in the long run, the Government may interfere but in the ordinary course, the Government should accept the report of the Committee proposed in the Bill. That Committee would consist of responsible men mostly selected by Government and there is no reason why their decision should be unfair. Where the decision of the Committee is likely to be an unreasonable one, only in such cases an interference from Government may be justified. Otherwise you leave the Committee at the mercy of the Government.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: This question was carefully gone into by the Select Committee, still when we received the notice of this amendment we considered that it was a welcome suggestion. Government is prepared to accept it.

The motion of Mr. D. J. Cohen was then put and a division taken with the following result:—

AYES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Bartley, Mr. C.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bottomley, Mr. J. M.
Chaudhuri, Dr. Jogendra Chandra.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Faweus, Mr. L. R.
Gangali, Rai Bahadur Sushil Kumar.
Ghose, the Hon'ble Sir B. B.
Ghuznavi, the Hon'ble Alhadj Sir Abdalkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hopkyns, Mr. W. S.
Hussain, Maulvi Latafat.
Kerr, Mr. W. J.
Khan, Maulvi Amin-uz-Zaman.
Marr, the Hon'ble Mr. A.
Miller, Mr. C. C.
Mittra, Babu Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Ray Chaudhuri, Mr. K. C.
Rees, Mr. J.
Ray, Mr. Saileswar Singh.
Ray, the Hon'ble Mr. Bijay Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sumner, Mr. C. R.
Travers, Sir Lancelot.
Wilkinson, Mr. H. R.

NOES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Choudhury, Maulvi Nural Absar.
Chowdhury, Haji Badi Ahmed.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hashemy, Maulvi Syed Jalaluddin.
Heque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Seth Hunuman Prasad.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur.
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Nagendra Narayan.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemni.
Ray, Babu Satyendra Nath.
Ray Choudhuri, Babu Nem Chandra.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.

Maulvi TAMIZUDDIN KHAN: May I rise on a point of order, Sir?

Mr. PRESIDENT: At this stage? Very well, what is it?

Maulvi TAMIZUDDIN KHAN: May I know whether it is allowable to a member who has either supported or opposed a motion by speech to go into the opposite lobby?

Mr. PRESIDENT: It is not desirable unless in the course of subsequent debate he finds good reasons to change his mind. There is no rule by which a member can be restricted from going to a particular lobby. If, however, after the debate is concluded, a member cries "Aye" or "No" and then challenges the decision of the Chair given in his favour on the strength of the answering cries, or attempts to go to the opposite lobby wilfully, the Chair can intervene and compel him to vote according to his answering cry, or desist from voting altogether. In fact, I have once done so from my place as the President of this Council.

The Ayes being 46 and the Noes 37, the following motion was carried:—

"That for clause 7 (2) the following be substituted, namely:—

'(2) On receipt of the report, the Local Government shall, after consultation (if necessary) with the Corporation of Calcutta and the representatives of the Garden Reach area on the Committee issue orders in accordance with the report of the Committee or with such modifications as the Local Government may consider necessary and may subsequently amend or add to such orders'."

Mr. PRESIDENT: The question is that clause 7, as amended, stand part of the Bill.

The motion was put and agreed to.

Clauses 8 to 13.

Mr. PRESIDENT: The question is that clauses 8, 9, 9A, 9B, 10, 10A, 10B, 11, 12 and 13 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: I will take up clause 14 later as it is bound up with the Schedule.

Clauses 15 and 16.

Mr. PRESIDENT: The question is that clauses 15 and 16 stand part of the Bill.

The motion was put and agreed to.

The Schedule.

Mr. PRESIDENT: The question is that the Schedule stand part of the Bill.

Mr. C. W. GURNER: I beg to move that in item No. 1, line 8 of the Schedule, for the figures "1931" the figures "1932" be substituted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to accept the amendment, Sir.

The motion was put and agreed to.

The following motion was called but not moved:—

Mr. D. J. COHEN to move that in the Schedule, item No. 6, proposed section 90A, line 3, for the words "two and a half lakhs" the words "two lakhs" be substituted.

Mr. C. W. GURNER: I beg to move that in item No. 6, last line, for the figures "1931" the figures "1932" be substituted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to accept the amendment, Sir.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that the Schedule, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 14.

Mr. PRESIDENT: Now that the Schedule has been agreed to, there is no objection to putting clause 14 to the vote.

The question is that clause 14 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

The Preamble.

Mr. PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that the Garden Reach Municipality Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Opium Smoking Bill, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Opium Smoking Bill, 1931, be referred to a Select Committee consisting of—

(*1*) Mr. L. R. Fawcus;

(*2*) Rai Bahadur Dr. Haridhan Dutt;

(*3*) Mr. Narendra Kumar Basu;

(*4*) Babu Satish Chandra Ray Chowdhury;

(*5*) Babu Jitendralal Bannerjee;

(*6*) Maulvi Tamizuddin Khan;

(*7*) Maulvi Nur Rahman Khan Eusufji;

(*8*) Mr. A. F. M. Abdur-Rahman;

(*9*) Maulvi Abul Kasem;

(*10*) Mr. E. C. Ormond;

(*11*) Mr. E. T. McCluskie; and

(*12*) the mover;

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I introduced this Bill at the last session of the Council and moved that this Bill be circulated for public opinion. We requested the opinion of about 19 public bodies including the British Indian Association, the Indian Association, the Bengal Chamber of Commerce and others. The majority of them are in favour of the Bill and they are for passing it as it is although one or two have asked for complete prohibition at once. I now move that the Bill be referred to Select Committee.

The following motions were called but not moved:—

Haji BADI AHMED CHOWDHURY to move that after the name of "Mr. E. T. McCluskie" the following names be inserted, namely:—

Khan Bahadur Muhammad Abdul Momin,

Rai Kamini Kumar Das Bahadur,

Maulvi Muhammad Hossain, and

Haji Badi Ahmed Chowdhury.

Maulvi HASSAN ALI to move that after the name of "Mr. E. T. McCluskie" the following names be inserted, namely:—

Maulvi Hassan Ali,

Maulvi Syed Jalaluddin Hashemy,

Maulvi Abdus Samad, and

Kazi Emdadul Hoque.

Maulvi ABDUL HAKIM to move that after the name of "Mr. E. T. McCluskie" the following names be inserted, namely:—

Khan Bahadur Muhammad Abdul Momin, and

Maulvi Abdul Hakim.

Maulvi ABDUL HAMID SHAH to move that after the name of "Mr. E. T. McCluskie" the following names be inserted, namely:—

Maulvi Azizur Rahman, and

Maulvi Abdul Hamid Shah.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

3-45 p.m.

The Opium (Bengal Amendment) Bill, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to introduce a Bill further to amend the Opium Act, 1878, in its application to Bengal.

[The Secretary then read the short title of the Bill.]

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to move that the said Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1932.

The necessity for amending the Opium Act, 1878 (I of 1878) has been under consideration for a considerable time. This law which was enacted to meet the conditions prevailing in the country more than half a century back has by actual experience been found not only defective in many respects but quite inadequate to meet the present-day requirements.

As far back in the year 1909 the Government of India recognised the necessity for the amendment of section 20 of the Act. The Government of India decided to postpone indefinitely the consideration of proposals for the amendment of the Act as it was considered premature to amend the Act until certain questions of importance relating to their opium policy, which still then awaited settlement, had been finally decided. As stated in the objects and reasons the position was altered after the passing of the Government of India Act in 1919 and legislation could be undertaken by the local legislatures relating to the control of possession and transport within India and the regulation of purchase and sale of excise opium which is a provincial subject. It was accordingly proposed to undertake legislation in the provincial legislature to amend the Act. This was, however, postponed in consideration of a proposal made by the Government of India in April, 1924, regarding the amendment of the Act in the Central Legislature so as to make an attempt to obtain opium punishable. The Government of India, however, finally decided that legislation connected with internal excise problems should be initiated in the provincial legislatures. This Government then decided to proceed with the amendment of the Act and formulated their proposals for amendment. In accordance with the orders of the Government of India regarding interchange of information relating to excise legislation and policy between local Governments they had, however, to consult other local Governments and to await their views on the amendments proposed before taking steps for the purpose of amending the Act. There was delay in receiving replies from various Governments. Meanwhile the Government of India initiated legislation relating to dangerous drugs and the Dangerous Drugs Act, 1930 (II of 1930), was passed into law by the Central Legislature under which certain sections of the Opium Act relating to cultivation of poppy and manufacture of opium were amended.

As stated in the objects and reasons the Bill involves no question of policy, and it has been so evolved as to bring it into line with the Bengal Excise Act, 1909 (Bengal Act V of 1909), which has been found to be suitable for the purposes of excise administration.

As to the provisions of the Bill reference has been made in the Statement of Objects and Reasons to the salient points. But it may be explained that illicit traffic in opium across provincial boundaries is a very frequent offence. No action under the existing Act can be taken for dealing with persons, residing within provincial territories, who

aid or abet commission of offences connected with the traffic in opium. It has accordingly been decided to take legislative measures for rendering punishable a person who, in Bengal, attempts or abets the commission, in any place outside Bengal, of any offence punishable under the Opium Act. Necessary provision has been made in a new section 9F under clause 5 of the Bill. It may be added that in order to deal effectively with such offences provision imposing penalties of a deterrent nature should be made. The British law on the subject as embodied in the Dangerous Drugs and Poisons (Amendment) Act, 1923, provides for punishments of fine up to £1,000 or penal servitude up to 10 years or both, or on summary conviction fine up to £250 or imprisonment with or without hard labour up to 12 months, or both. The international traffic in opium is a grave world-wide menace and there is every ground for severity.

Provision has been made in the Bill to confer powers of investigation and of granting bail on preventive officers of suitable standing. This should remove one of the most serious defects experienced in the working of the Act. This question involving amendment of section 20 of the Opium Act was thoroughly gone into before and it was considered that this amendment of procedure would mitigate one of the great difficulties experienced in the working of the Opium Act in provinces with advanced excise establishments. It may be noted that in the Bombay Opium (Amendment) Act, 1923 (II of 1923), similar provision has been made with the object of conferring additional powers on Excise and Customs officers already exercised by Police officers under the Code of Criminal Procedure, 1898.

Provision has also been made for the maintenance of case diaries by investigating officers according to the principles underlying section 172 of the Code of Criminal Procedure, 1898.

As stated above this Bill generally follows the Bengal Excise Act, 1909 (Ben. Act V of 1909).

With these few words I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon.

The motion that the Opium (Bengal Amendment) Bill, 1931, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1932, was put and agreed to.

3-45 p.m.

The Bengal Primary Education (Amendment) Bill, 1932.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I rise to introduce a Bill further to amend the Bengal Primary Education Act, 1919.

[The Secretary then read the short title of the Bill.]

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I also beg to move that the said Bill be referred to a Select Committee consisting of—

(*1*) Mr. H. R. Wilkinson, C.I.E.,

(*2*) Maulvi Nurul Absar Choudhury,

(*3*) Khan Bahadur Muhammad Abdul Momin,

(*4*) Mr. Khwaja Salauddin,

(*5*) Khan Sahib Maulvi Muazzam Ali Khan,

(*6*) Mr. S. M. Bose,

(*7*) Mr. G. R. Dain, C.I.E.,

(*8*) Babu Lalit Kumar Bal,

(*9*) Babu Prafulla Kumar Guha,

(*10*) Seth Hunuman Prosad Poddar, and

(*11*) the mover,

with instruction to submit their report within ten days from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the necessity for amending the Act has arisen because the Primary Education Act of 1919 makes attendance at primary schools within municipal areas compulsory for boys only and not for girls. Therefore under the existing Act if any municipality puts up a scheme or makes provision for the spread of primary education among the girls within the municipal area and makes provision for funds for the same, they cannot impose compulsion, because the Act does not provide for it. As a matter of fact, one municipality came forward with a scheme and requested Government to amend the Act. Their scheme, if, and when introduced, will enable them to provide primary education for girls throughout the municipality, but they apprehend that if they introduce it without the power of compulsion, then some girls may not attend, and when the education is going to be free, if there is no compulsion, the attendance, as a rule, will be so irregular that the value of providing free education for girls will be lost, because no action can be taken if the girls regularly absent themselves. This question was also raised here at the time of the last budget discussion, and I gave an undertaking that a Bill would be brought forward to amend the existing Act, and hence this Bill has been introduced. One point that I want to make quite clear is that this does not mean that in every municipality compulsion will be enforced. What it does provide is that if any municipality, after having made adequate preparation and provision for providing facilities for the education of girls in the municipal area, makes an application to the local Government that the clause about

compulsion be extended to that municipality, and if Government is satisfied that adequate provision has been made and adequate facilities have been provided for girls in that area, then and then only Government will notify and extend compulsion to that particular municipality. Before introducing this Bill we obtained the opinion of the municipalities on this question, but I am afraid the opinions of the municipalities on the whole were not very favourable to the Bill. Their attitude seemed to be on the side of caution. Perhaps they did not fully understand the implications of this Bill. They seemed to apprehend that if this Act is amended they might be called upon to provide money for compulsory primary education of girls which they were not in a position to do.

4 p.m.

But I want to make it clear to the House that compulsion can only be extended if a municipality first makes an application of its own accord after having made adequate provision and, secondly, if Government are satisfied that the provision that has been made by the municipality is adequate and satisfactory. It appears to me very unfair that such municipalities as are keen on extending primary education for girls in their areas and are prepared to put up money and provide such facilities, should not be able to get the full advantage, simply because the Act at present does not give them facilities to extend the provision about compulsion. The Bill is so very innocuous and necessary that I hope there will not be much discussion on it. With these observations I move the motion that the Bill be referred to Select Committee.

Nawab MUSHARRUF HOSAIN, Khan Bahadur: Sir, so far as I can see the principle of the Bill is that girls will be compelled in certain areas to come out of the household to be taught in schools. I do not know what is the opinion of the Muhammadans at large, but my own personal opinion is that in this matter we are treading on a very delicate ground. If we make a legislation like this, I fear it will be misconstrued in the mufassal. Personally speaking, I would not like my own girls to be forced out of their home to be educated in public schools. I may be considered to be a person who is not entitled to have any enlightened views as I belong to the conservative school of thought. I fear that a piece of legislation like this will be misconstrued outside the sphere of this Council hall. If, however, my other Muhammadan friends agree to this measure, I will not raise any objection. I would, however, ask the Hon'ble Minister to be very cautious in compelling girls to attend schools. When this question was first thought of by me when piloting the Primary Education Bill, I tried my best to avoid

raising any discussion which may lead to rupture in the society. I, therefore, appeal to the Hon'ble Minister to consider this point of view before he agrees to carry this motion in this House.

(At 4-10 p.m., the Council was adjourned for prayer and it reassembled at 4-25 p.m.)

Maulvi ABDUL HAMID SHAH: Spoke in Bengali, the English translation of which is as follows:—

"Mr. President, I wish to reply in a few words to the objection raised by Nawab Musharruf Hosain against the Bill introduced by the Hon'ble Education Minister for making the primary education of girls compulsory in municipal areas.

Firstly, in rural areas people are not yet sufficiently alive to the need of primary education of girls. Secondly, the state of communications in those areas is such as does not encourage the immediate introduction of compulsory primary education among girls there. But, I do not understand why the Nawab has raised the question of the purdah in opposing the present Bill. In municipal areas the roads are in a quite good condition and there are suitable conveyances. I do not understand how, under these circumstances, any objection may be raised to the going to school of Moslem girls between six and ten years of age on the ground of the purdah. Girls of this age often go from one house to another and the purdah is not mentioned in this connection. If, in accordance with the Nawab's advice, Moslem girls are not sent to school and consequently education does not spread among them so as to attract the attention of rural Moslems to its benefits, Hindu girls will take full advantage of the opportunity offered for getting free education, leaving their Moslem sisters far behind within a few years.

From these considerations I support the Bill and protest against the objection raised against it."

Maulvi NUR RAHMAN KHAN EUSUFJI: Mr. President, Sir, in supporting this Bill I must first of all congratulate the Hon'ble Minister for introducing this Bill. There was a time when the Mussalmans were opposed to English education being imparted to their males, not to speak of their females. Now, however, the time has changed, and the Mussalmans as a community are now regretting the blunder they made. Let us, therefore, not tread on the same path as our forefathers did. It is now time when we, the Mussalmans, should think and think very seriously that our girls should get as much education as our boys. Let our women folk get at least that much of education as would enable them to bring forth Mussalman children who would not only be fit to be members of this Council but would be fit to govern the country. This Bill aims to give education to girls between the ages of six and ten. It

is primarily meant for the urban areas. My friend, the Nawab Sahib, has raised objection on the ground of Shariat. I do not know whom to follow, whether the tenets of the Prophet or the interpreters of the tenets. I am a Mussalman and a follower of the Prophet and so far as I understand the meaning of Shariat, it is not so. Of all the religions of the world, Islam does never lag behind giving education to its followers. It is incumbent on every Mussalman to educate not only the males but also the females, and unless facilities are given to the girls how can we expect our female sex to advance in the matter of education? Personally speaking, from my own experience, as I hail from the Tangail subdivision in the Mymensingh district, I can tell you that there is a minor school which goes by the name of the Hon'ble President's mother's name Bindubashini and up to the last year there was not a single Muhammadan girl on the roll of the school, but be it said to the credit of Mr. Shahabud-Din Ahmed, Munsif, 1st Court, Tangail, that it was he who first introduced the idea of giving the Mussalman girls of the town of Tangail a proper education.

4-30 p.m.

I was then here for attending the Council meetings, with some of the Muhammadan pleaders, Maulvis Ebadat Ali Khan, Abdul Karim and others, he went from door to door and instructed and persuaded the guardians to allow their girls to attend the school. Firstly, it was opposed by the orthodox section of the Muhammadans of the town, but when they were given to understand that unless the girls were given proper education, they would be far behind the time, then the guardians were persuaded. Members of this House and the Hon'ble Minister will be very glad to hear that there are no less than 26 Mussalman girls in the course of this year in that institution. I say once again, that it is time that we should wholeheartedly support a measure like this. Our Minister is also a Muhammadan—every time when I go to prayer I find him there, and I believe that he is a true Muhammadan and he also knows the tenets of Islam as much as Nawab Musharruf Hosain Sahib does.

With these few words I support the Bill.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I had no intention of rising to support this motion, I thought it did not require any speech to support it but since the Nawab Sahib has spoken against it, I think it my duty to stand up in its support.

From my experience of Chittagong town, I may inform the House that the Muhammadans who at first were against any compulsion in the matter of primary education of girls, have become, even in Chittagong which is the centre of orthodox Mussalmans, very keen on this, and as a

matter of fact the member from Chittagong was the one who advocated this motion. In Chittagong town itself, out of 1,300 girls in primary school as many as 800 are Mussalmans, which fact shows that the Mussalmans are becoming very, very keen in the matter of educating their girls. In connection with the inquiry which is being conducted just now into the progress of Mussalman education in Bengal, I may inform the House that the bulk of the evidence is, I may say it is, practically unanimous in this matter so far as the education of Mussalman girls is concerned. Every one, even orthodox Maulvis, have advocated that up to the age of 11 they would not mind, or rather they would support the proposal that the education of Mussalman girls should be made compulsory, as they believe that it is more important that their girls should be educated than their boys. I, therefore, Sir, without wishing to take up the time of the House, want to emphasise, with all the emphasis at my command, the fact that this motion should be supported by everybody.

Rai Dr. HARIDHAN DUTT Bahadur: I rise to give my humble support to the Primary Education Bill as introduced by the Hon'ble Minister. I am really surprised to find that some of my enlightened friends of the Muhammadan community have opposed this motion. Indeed, I must express my personal surprise to find Nawab Musharrat Hosain coming forward not only on his behalf, but on behalf of his community, to object to such a measure. What I have heard about this Bill in this Council is all about Muhammadan girls. I ask my friends to remember that we are legislating not only for Muhammadan girls, but also for Hindu girls. What about the Hindu girls in urban areas? I do not know much about rural areas, I am talking about urban areas. The Sarda Act has come into force, and our girls cannot be married before the age of 14. All Hindu parents feel it incumbent upon them that before marriage, their girls ought to receive proper education and kept occupied up to the age of 14 with their lessons and teaching. I presume this Bill is not a communal matter, it is for Hindus as well as Muhammadans. Even if the Muhammadans refuse compulsory education of urban girls I am sure the Hindus will welcome it. I find in the Statement of Objects and Reasons a thing has been pointed out which is a glaring defect in the education of girls. Under the present statute our girls living in the rural areas, may have compulsion practised upon them, but those living in urban areas can have no compulsion on them. Is it not anomalous? The Hon'ble Minister wants to remove that anomaly. It is a very desirable and necessary measure, we ought not to stand in its way. In this connection, I would draw the attention of the Hon'ble Minister to the present state of affairs in Calcutta. Calcutta is considered to be the premier city of India; Calcutta has its primary education under the Corporation

responsibility. I find rural areas are going to have compulsion if the Hon'ble Minister continues in his chair. But what about Calcutta, might I inquire? On looking at the Corporation records I find that after long deliberations it was decided to have compulsory primary education, but that was in one particular ward only, and that was three years ago. I hope the Hon'ble Minister in charge of municipal affairs will bear me out when I say that after eight years' administration in Calcutta, the present Corporation could not carry out compulsory primary education in Calcutta. When it would be begun—it is impossible to make out. I am sorry that Calcutta has been excluded from the purview of the Act of 1930. Calcutta may lag behind the rest of the province. Leaving Calcutta alone in the matter of primary education we ought not to stand in the way of improvement and progress in rural and other urban areas. As I have already said the education of our girls has now become a necessity. Unless this is accomplished, the orthodox community will have a legitimate grievance against the Sarda Act, for their girls will not be allowed to marry, and unless provision is made for their education up till the age of 14, they will not be able to keep these girls properly occupied. Government have stopped marriages before 14 by Statute, and quite rightly, but if you stop their marriages, you ought to provide for their proper education up to the age of marriage. Here you are providing for the education of girls from the ages of 6 to 11. I cannot say about Muhammadans, but as regards the Hindus, I once more say and I believe that even the most orthodox will have no objection if proper education is provided for girls even up to the age of 14. It is not at all suggested that all girls should be University students, but all should have elementary primary education. I hope nobody having any hand in the matter, should object to primary education being extended to our girls, be they Hindus or Muhammadans.

Maulvi SYED JALALUDDIN HASHEMY: In rising to support the motion of the Hon'ble Minister, I am constrained to say that Nawab Musharraf Hosain has gone back to the XIVth century, and has altogether forgotten that he is in the XXth century. Far from going to school, the Mussalman girls are now courting imprisonment. Very recently, a girl of a very conservative family, Musammat Hosney Ara Begum, has courted imprisonment. Another Mussalman lady, Musammat Daulatunnesa Khatun, wife of an eminent doctor, has also courted imprisonment. Probably the Nawab Sahib has no knowledge that one Miss Fazilutunnessa crossed the seas to go to London to take her Degree there. I may also add in this connection that Mussalman girls of eminent and distinguished families are now being trained in dancing and singing, the same as Hindu girls. I hope all the members, particularly Mussalman members, will support this motion.

Babu SATYENDRA NATH ROY: I do not know whether members are aware that the first Primary Education Act of this Province was not an Act put forward by the Government, but was an Act put forward by a non-official member of the Council. The Bill was introduced by a private member and passed at his instance. I remember the late Lord Sinha, the then Indian member of the Executive Council of Bengal, in considering the Bill said that he was looking forward to the day when not only the boys but the girls of the Province would be educated on similar lines. Only, I think 12 or 13 years have passed, and I congratulate the Hon'ble Minister in bringing forward this motion, and I hope the education of girls, as desired by the late Lord Sinha, will come to pass very soon.

Babu SATISH CHANDRA RAY CHOWDHURY: I think an injustice has been done to the Nawab Sahib by many of the members. I was listening to him, and I felt as a matter of fact that he, personally, would like very much that girls should be educated and enlightened. All I think he wanted to do was to draw out the opinions of the members of the House, so that outside the House it might be known that there was an unanimity of opinion within this House. We are all agreed that the education of girls is essentially necessary for the advance of our country, and that it is education alone which can bring about the regeneration of our country. We congratulate the Hon'ble Minister on the Bill which he has introduced in this Council.

4-45 p.m.

Maulvi HASSAN ALI: I am really surprised to hear from Nawab Musharraf Hosain that female education—education of Moslem girls—is against the Shariat, that is, the Islamic law. This sort of knowledge of the Shariat, I believe, is due to the misconception of the Islamic tenets altogether. I am not here to interpret the traditions or the Hadis, but I am only to ask my Moslem friends, specially the Nawab Sahib, to remember the very well-known saying of the Prophet (an English translation of it runs as follows): Learning, education and knowledge are compulsory for males and females—all Moslems. This ought not to be forgotten. Even a Moslem of very ordinary knowledge of Islamic tenets must know it and ought to know it. It is really shocking to hear such ignorance of the Shariats on the part of a distinguished member of my community, the Nawab Sahib. I do not know whether the Bill will further the education of Moslem girls but that is quite another thing. With these few words, Sir, I would like to remove the misconception with regard to education in respect of Moslem girls.

Babu AMULYADHAN RAY: Sir, I do not know how to thank the Hon'ble Minister for bringing a Bill of this nature. I convey my gratitude to him for the passage of the Bengal Primary Education Act and thus completing the incomplete action of the late Mahatma Gokhale. I still remember the trouble that he took by going from one district to another district and I still remember the days when he had been to the district of Jessore. I still remember the day when we assembled and the people assembled at the railway station to receive him with the idea that he had been there with the message of free primary education. I had no mind to take part in the debate but as some opposition has been made I think that I ought to support the Hon'ble Minister in his noble purpose. I do not like to intrude upon the time of this hon'ble House any longer. With these few words, Sir, I support the Hon'ble Minister that the Bill, as modified, be referred to the Select Committee.

The following motion was called but not moved:—

Haji BADI AHMED CHOWDHURY to move that after the name of "Seth Hunuman Prosad Poddar" the following names be inserted, namely:—

Mr. A. K. Fazl-ul Huq,

Maulvi Tamizuddin Khan, and

Haji Badi Ahmed Chowdhury.

Mr. SARAT KUMAR ROY: I beg to move that after the name of "Seth Hunuman Prosad Poddar" the following names be inserted, namely:—

Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;

Maharaja Sris Chandra Nandy, of Kasimbazar; and

Mr. Sarat Kumar Roy.

Mr. PRESIDENT: Have you got the consent of the members concerned?

Mr. SARAT KUMAR ROY: I have got the consent of the Raja Bahadur.

Mr. PRESIDENT: Then your amendment will have to be put in a modified form containing only the name of the Raja Bahadur of Nashipur and yourself.

The following motions were called but not moved:—

Mr. A. F. M. ABDUR RAHMAN to move that after the name of "Seth Hunuman Prosad Poddar" the following names be inserted, namely:—

Maulvi Tamizuddin Khan, and

Mr. A. F. M. Abdur Rahman.

Maulvi ABDUL HAKIM to move that after the name of "Seth Hunuman Prosad Poddar" the following names be inserted, namely:—

Maulvi Abdul Hakim, and

Maulvi Abdul Hamid Shah.

Mr. D. J. COHEN: Sir, I beg to move that after the name of "Seth Hunuman Prosad Poddar" the following name be inserted, namely:—

"Rev. B. A. Nag."

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to accept all the amendments.

The motion that after the name of "Seth Hunuman Prosad Poddar" the name "Rev. B. A. Nag" be inserted was then put and agreed to.

The motion that after the name of "Rev. B. A. Nag" the following names be inserted, *viz.*, Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, and Mr. Sarat Kumar Roy was then put and agreed to.

The following amended motion was then put and agreed to:—

"That the **Bengal** Primary Education (Amendment) Bill, 1932, be referred to a Select Committee consisting of the Hon'ble Mr. Khwaja Nazimuddin, C.I.E., Mr. H. R. Wilkinson, C.I.E., Maulvi Nurul Absar Choudhury, Khan Bahadur Muhammad Abdul Momin, Mr. Khwaja Sala-ud-din, Khan Sahib Maulvi Muazzam Ali Khan, Mr. S. M. Bose, Mr. G. R. Dain, C.I.E., Babu Lalit Kumar Bal, Babu Prafulla Kumar Guha, Seth Hunuman Prosad Poddar, Rev. B. A. Nag, Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, and Mr. Sarat Kumar Roy, with instruction to submit their report within ten days from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The Bengal Muhammadan Marriages and Divorces Registration (Amendment) Bill, 1931.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to introduce a Bill to amend the Bengal Muhammadan Marriages and Divorces Registration Act, 1876.

[The Secretary then read the short title of the Bill.]

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to move that the said Bill be referred to a Select Committee consisting of—

(*1*) Mr. H. R. Wilkinson, C.I.E.,
(*2*) Maulvi Tamizuddin Khan,
(*3*) Maulvi Muhammad Hossain,
(*4*) Maulvi Muhammad Solaiman,
(*5*) Maulvi Abul Kasem,
(*6*) Haji Badi Ahmed Chowdhury,
(*7*) Mr. H. S. Suhrawardy,
(*8*) Maulvi Syed Jalaluddin Hashemy,
(*9*) Rai Sahib Akshoy Kumar Sen,
(*10*) Dr. Naresh Chandra Sen Gupta, and
(*11*) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, it has been felt necessary to introduce this Bill because in this Council during the budget debates in 1930, it was suggested by some members that the present system of receiving *nazaranas* should be abolished, and that there should be a system of fees.

The present Bill is intended to do away with the voluntary gratuities, which are now legal, and to bring the Act more or less into line with the Indian Registration Act under which the fees are payable in accordance with a table prepared by Government under the Act. The public will then know to what expenditure they are legally liable and the proposal will have the additional advantage of securing uniformity of practice. To give effect to this it is proposed to give Government power to prescribe rules for regulating the fees payable and these fees will take the place of the fee of Re. 1 payable under section 9 of the Act and of the voluntary gratuity permitted under section 10.

Government wish to popularise the system of registering marriages and divorces before Muhammadan Marriage Registrars and it is hoped that the introduction of fixed fees will help towards this result and this object will not be lost sight of when the scale of fees is fixed.

I do not think that there is anything more to be said. It is not necessary to say a great deal in favour of the Bill. The general consensus of opinion is that the Bill should be amended, because from the system which permits a Marriage Registrar to take voluntary gratuities, a practice has grown up of making exorbitant charges and the ignorant villagers do not know that these charges are only voluntary. In certain cases the Marriage Registrar refuses to register marriages unless their demands are fully satisfied. Once you prescribe by rules that a certain fee must be taken and no one is to be allowed to take anything over and above that, and make the Marriage Registrar liable to some kind of action by Government if he violates the rules, then only the practice of demanding exorbitant charges will be stopped. The villagers will know what is the proper amount they will have to pay and will pay that amount only and nothing more.

The important question really is what should be the table of fees, but that is not the subject matter now under discussion. That will be promulgated by means of Government rules later on. We have taken opinion on the subject as to what should be the reasonable rate of fees and, if necessary, I would invite the members who are interested in this matter to let me know what they consider to be the reasonable rate.

With these few words, Sir, I beg to move the motion.

Maulvi NUR RAHMAN KHAN EUSUFJI: Sir, I beg to move that after the name of "Dr. Naresh Chandra Sen Gupta" the following names be inserted, namely:—

Babu Satish Chandra Ray Chowdhury, and

Maulvi Nur Rahman Khan Eusufji.

Maulvi ABDUL HAKIM: I beg to move that after the name of "Dr. Naresh Chandra Sen Gupta" the following name be inserted, namely—

Maulvi Abdul Hakim.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, I beg to accept the amendments.

The following motions were then put and agreed to:—

"That after the name of 'Dr. Naresh Chandra Sen Gupta' the following names be inserted, namely:—

Babu Satish Chandra Ray Chowdhury, and

Maulvi Nur Rahman Khan Eusufji."

"That after the name of 'Maulvi Nur Rahman Khan Eusufji' the following name be inserted, namely:—

Maulvi Abdul Hakim."

The following amended motion was then put and agreed to:—

"That the Bengal Muhammadan Marriages and Divorces Registration (Amendment) Bill, 1931, be referred to a Select Committee consisting of the Hon'ble Mr. Khwaja Nazimuddin, C.I.E., Mr. H. R. Wilkinson, C.I.E., Maulvi Tamizuddin Khan, Maulvi Muhammad Hossain, Maulvi Muhammad Solaiman, Maulvi Abul Kasem, Haji Badi Ahmed Chowdhury, Mr. H. S. Suhrawardy, Maulvi Syed Jalaluddin Hashemy, Rai Sahib Akshoy Kumar Sen, Dr. Naresh Chandra Sen Gupta, Babu Satish Chandra Ray Chowdhury, Maulvi Nur Rahman Khan Eusufji and Maulvi Abdul Hakim, with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

5 p.m.

The Bengal Local Self-Government (Amendment) Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to introduce a Bill further to amend the Bengal Local Self-Government Act of 1885.

[The Secretary then read the short title of the Bill.]

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1932, be referred to a Select Committee consisting of—

(1) Munindra Deb Rai Mahasai,

(2) Rai Satish Chandra Mukherji Bahadur,

(3) Raj Keshab Chandra Banerji Bahadur,

(4) Dr. Naresh Chandra Sen Gupta,

(5) Rai Sahib Panchanan Barma, M.B.E.,

(6) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,

(7) Khan Bahadur Muhammad Abdul Momin,

(8) Sir Lancelot Travers, KT., C.I.E., O.B.E.,

(9) Mr. C. W. Gurner, and

(10) the mover,

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, like the amendment of the Bengal Municipal Act the amendment of the Local Self-Government Act has also become overdue. This is an Act which was passed 47 years ago to introduce local boards and district boards. They were then under official chairmen, their activities were mainly confined to the construction and maintenance of roads, and the establishment and maintenance of a few secondary schools, and a share out of road and public works cesses was the only source of their income. They were then under strict official management. But the position, and activities of these units of Local Self-Government have since undergone a complete transformation. They are no longer under official chairmen, and their field of activities now cover a very wide range, viz., sanitation, education—primary, secondary and technical—improvement of water-supply, public health—which includes control of epidemics, maternity and child welfare work. They have taken up medical relief in right earnest by establishing dispensaries and supervising the work of Sanitary Assistants in health circles. Besides these the mileage of roads has greatly increased and their maintenance in proper condition is a source ever-growing financial burden to the district boards. The supervision of the union boards whose number is rapidly increasing has also added to the work as well as to the usefulness of these local bodies. The success which has been hitherto achieved, and I am glad to observe it is not inconsiderable, is largely due to the increasing interest which the public have taken in the affairs, and management of these boards. But at the same time their complexity has also proportionately increased, and Government have felt the necessity of amending the Act in order to remove some of the administrative difficulties and to secure better facilities for the local and district boards in the discharge of their responsibilities. There has also been some desire on the part of the public to get this Act amended to bring it uptodate and to invest the boards with wider powers, to democratise their constitution, and to place them directly in touch with the union boards by making them the constituents.

A Conference of the Chairmen of District Boards was convened at Darjeeling in October, 1930, to advise Government on the amendment

of the Act. The Conference decided to postpone the constitutional changes in the present transitional period, and confined its recommendations to administrative improvements. This Bill has been drafted incorporating most of those recommendations among others, which the Government considered essential to remove administrative difficulties, and to meet situations, not provided for in the existing Act. But following the advice of the Conference all changes in the constitution have been defined.

The principal amendments have been enumerated in the Objects and Reasons of the Bill, and I do not propose to repeat them.

Constitutional changes may be desirable but administrative amendments are essential for the smooth working of the district boards, constitutional changes cannot be introduced without a more careful and more extensive examination of the Act; some of the changes which may appear desirable at present are likely to lose their importance, with the introduction of the new constitution of the Government; whether greater control, or more relaxation of control will be helpful to the development, and better working of the district boards, whether, the members of the district boards should be directly elected, or by the union boards, decisions in these matters may reasonably and advantageously await the introduction of the New Reforms. With this idea Government have framed this Bill providing only administrative amendments and I would request the House to refer the Bill to a Select Committee. This Council may not have the opportunity to consider a more comprehensive amendment of the Act within its lifetime. So these amendments need not be postponed for wider constitutional changes.

The following motion was called but not moved:—

Babu JITENDRALAL BANNERJEE to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon within six months from the date on which this motion is carried in Council.

Mr. SHANTI SHEKHARESWAR RAY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before the 30th June, 1932.

I must confess that I have not gone through the Bill thoroughly. But as important changes are going to be made in the existing Act I think the public must be consulted with regard to them and local bodies, etc., should be given an opportunity of giving their considered opinion on the provisions of the Bill. Sir, I think that this tendency

to rush legislation on a very important matter should be avoided by Government. With these words I move that the Bill should be circulated for public opinion.

Maulvi HASSAN ALI: I beg to move that the Bill be circulated for the purpose of eliciting public opinion thereon within the 31st of May, 1932.

Sir, there are no two opinions in the country that the amendment of this most ancient piece of legislation concerning local self-government in this country is long overdue. As far as I know the opinion of the people of the country is that if the Act is to be amended, it should be amended according to the line indicated by popular opinion. I do not know, at least the country at large does not know, how far the proposed Bill has met with such public wishes. For example, I may say that it is the general wish of the people that the local boards in this country should be abolished altogether, because they have become altogether useless and to spend lots of money on them is merely waste of public money. I think this Bill does not propose anything to rectify this evil. I, therefore, recommend to the House that they should accept my motion for circulation.

Babu KHETTER MOHAN RAY: After what has fallen from the Hon'ble Minister I do not like to move the motion of which I gave notice.

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 31st March, 1932, was accordingly not moved.

Maulvi SYED JALALUDDIN HASHEMY: My calculation was entirely wrong; I thought that this Bill would come up for discussion to-day. As far as I remember a Conference of the Chairmen and Vice-Chairmen of District Boards was held at Darjeeling to suggest necessary changes in the Bengal Local Self-Government Act. I do not understand the necessity of hurrying through this important piece of legislation as we are doing. In this Bill, as far as I have gone through it, certain important changes are going to be made; particularly the oath of allegiance and the depositing of securities are very important changes. So I request the Hon'ble Minister to wait, at least to take the opinions of the district boards and local boards of Bengal. I also request him to wait till the next session of the Council and to take the opinions of the local boards and district boards in the meantime.

Dr. NARESH CHANDRA SEN GUPTA: The Hon'ble Minister deserves some thanks for bringing forward this Bill. Some of its provisions are certainly welcome and will remove many of the difficulties experienced in actual work but at the same time I cannot say that I

approve the principle of the Bill as a whole. My chief objection is that the Bill, although it proposes to make a comprehensive amendment of the Act, does not go far enough. It shirks the questions which have been agitating the people for over a quarter of a century, such as the question of the constitution of local boards and district boards as a whole.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I explained all these points when I presented this Bill. Dr. Sen Gupta was not, perhaps, unfortunately in the chamber then.

Dr. NARESH CHANDRA SEN GUPTA: I do not doubt that the Hon'ble Minister gave an explanation. I say that when the present amending Bill is sought to be introduced questions like these ought to be considered, at least an opportunity ought to be given to the public to give expression to their views regarding the difficulties experienced in the working of the old Act. The only excuse for not introducing a comprehensive Bill is that Government is in a state of transition at the present moment and therefore these constitutional problems are for the time being excluded. I know that Government is supposed to be in a transitional stage and everybody is expecting something in the future but that is no reason why Government should suffer from this somewhat extraordinary complex which makes them nervous of introducing any change which they think to be necessary. If a change is necessary, notwithstanding the prospect of any impending constitutional change or even if there be no change at all, it ought to be made.

5-15 p.m.

The Government should shake off its habit of looking upon itself as a sort of transitional Government which is only keeping the place warm for persons coming hereafter. I think, Sir, that the Minister, at any rate, has no case for shirking this question in view of the impending constitutional changes which might only give greater power to the people. I could understand such an attitude of the Members on the Reserved Side, but I cannot understand this attitude of the Members of Government on the Transferred Side.

Then there is another question upon which public opinion has expressed itself ever since the report of the Decentralization Commission and that is that the control should be vested in a local Government Board as in England. That is a proposition which does not seem to be within miles and miles of the ideas of the framers of the Bill. I do not see why this should be ignored altogether. There is a provision in the Bill which would show that a central body of that character, which would exercise supervision over district boards and

local boards from outside, is a matter of absolute necessity. Take for instance the provisions which have been made with regard to the officers in the service of district boards and local boards. The number of officers in the service of local bodies is going on increasing. Their conditions of service have got to be looked into and there are certain considerations which no doubt point to the conclusion that there ought to be a body to look after the interests of officers of the local bodies, so that they may not be subject to the caprices of any person in authority. That is one of the arguments. There are numerous other things in which local boards and district boards would require to be supervised. At present the supervision is exercised by the Commissioner. That is an anomaly which has come to us as a heritage from the past which otherwise should have been a thing of the past. We have now these bodies administered by a Minister who is responsible to the Council and yet the authority exercised by Government over these local bodies is not exercised directly by anybody with a pretence of popular will behind him but it is exercised by the Commissioner. When these local bodies were first introduced and they were placed under the control of Commissioners, the present reforms were not thought of. With the introduction of reforms there should have been a transference of the power of supervision and control from the Commissioner to a Local Government Board. That is a reform which has been talked about for a very long time. I think it was first mentioned in Lord Morley's despatch, but when the question of overhauling the Act comes before Government, they do not think about it. I think it is not every day that we overhaul an Act of this character. The Local Self-Government Act was passed in 1885, and since then it has not been overhauled except for a tinkering here and a tinkering there. The only overhauling which is attempted is in 1932. But these important questions are left out perhaps to be taken up at the time of the next overhauling in the next century. I think these are questions which should be tackled now and in order to arrive at a definite decision it is necessary that the Bill should be circulated for eliciting public opinion.

Babu SATISH CHANDRA RAY CHOWDHURY: So far as I have been able to go through the provisions of the Bill, I think some of the proposed amendments are urgent. They are certainly long overdue. Regarding the suggestion for overhauling the whole Act, I think the Hon'ble Minister is justified in waiting for the coming constitutional changes so that any fundamental changes in the Act might not come into conflict with the new constitution. Take for instance the question of franchise. Now, under the Local Self-Government Act franchise is limited. It is expected, however, that there will be fundamental changes in this direction on account of the coming reforms. So it is

best for us to wait for some time until we know our position under the impending general constitutional changes. These minor changes, however, should not wait, because we do not know how soon or late we shall have the new reforms working. From my own experience of the working of local bodies I am in a position to say that some of the amendments proposed are really very urgent; so I support the motion.

Sir LANCELOT TRAVERS: Dr. Naresh Chandra Sen Gupta apparently opposes the introduction of this Bill and its going to a Select Committee because he thinks that a larger Bill ought to be introduced. With regard to that point I agree entirely with what the last speaker has said. All of us who have had anything to do with the working of district and local boards are aware that from time to time anomalies of the old Act crop up which prevent the proper working of district and local boards. This Bill sensibly enough will correct the anomalies and make its provisions workable. Whether the new constitutional reforms will affect the constitution of the district boards or not does not affect the question. It is a good move for the Hon'ble Minister to introduce this Bill, now so that the district boards can immediately improve their working. Dr. Sen Gupta has referred to the question of control by what he calls the Local-Government Board. I would point out to Dr. Sen Gupta that the Local Government Board in England is nothing more or less than the equivalent of Mr. Bijoy Prasad Singh Roy. It is nothing more than the Minister. As the Board of Revenue here consists of one Member only, so the Local Government Board in England is in charge of one Minister—the Minister for Public Health. With regard to the question of control over district and local organisations, we Englishmen are of course used to it and we think that it is desirable. In England Bills which are introduced with regard to such measures are usually accompanied by an inspectorship and so on; and the County Councils and District Councils carry out the work under inspection. Whether it is suitable in Bengal or whether Bengalis would like such inspectorship or not, I do not know. For myself I think a certain amount of patience will be necessary before those changes are made, but I am entirely in favour of this Bill. I think it is a very good move of the Hon'ble Minister to have brought forward such a Bill so that the district boards may work more efficiently.

Maulvi ABDUS SAMAD: I beg to support the amendment for the purpose of circulating the Bill for eliciting public opinion. Now, Sir, the Bill seeks to introduce changes of far-reaching consequences and in my opinion some of the provisions of the Bill are antinational in character and are inconsistent with the promise of Government to give

us full autonomous Government in the near future. Now, Sir, one of the main reasons for introducing this Bill is that some changes are essential in the Local Self-Government Act as it is a very old Act—about 47 years old, and so it is desirable that these changes should be introduced. Some changes are necessary no doubt, but we are on the eve of getting full responsible Government within a couple of years or so. If, therefore, the Act could wait for 47 years I cannot see any reason why it cannot wait for one or two years more, so that when the new reforms are introduced the provisions of the Act could be so altered as to bring them in consonance with the reformed constitution. I do not know the motive of the Hon'ble Minister in introducing this Bill at such hot haste. In my opinion there is no urgent necessity for hurrying with this Bill without circulating it for eliciting public opinion. With these few words I beg to support the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, my friends Mr. Ray Chowdhury and Sir Lancelot Travers have said what I could have said in reply to Dr. Naresh Chandra Sen Gupta. One objection against the introduction of the Bill which has been taken by Dr. Sen Gupta is that the control over district boards exercised by the Commissioner has been left uninterfered with. Sir, my friend does not realise that the Commissioner under the new constitution will no longer be a Commissioner under my friend the Hon'ble Mr. Prentice, but perhaps he would be a Commissioner under Dr. Naresh Chandra Sen Gupta himself.

Dr. NARESH CHANDRA SEN GUPTA: I would abolish the Commissioners.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: So when Dr. Sen Gupta suggests that the Commissioner's control ought to be abolished, he makes a suggestion on the existing state of affairs. But he forgets that the whole situation may undergo a great change in the near future. From my experience—though it may be very short—of the working of local bodies I am able to say that it is not the relaxation of control, but it is the tightening of control that is necessary if you want to see local bodies working efficiently.

The Local Government Board referred to by Dr. Sen Gupta is *non est* in England and as Sir Lancelot Travers pointed out, it is the Minister of Public Health who really runs the local bodies.

Dr. NARESH CHANDRA SEN GUPTA: May I explain what I said? The Local Government Board as visualised by the Decentralisation Commission and not the Local Government Board in England.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am obliged to Dr. Sen Gupta for this explanation, but still I maintain that it would be a great advantage to introduce the Bill now, even though the control of the Commissioner remains.

5-30 p.m.

As I said, Sir, that only the difficulties which have been experienced in the working of the local bodies are sought to be removed and we are avoiding any change in the existing constitution of these local bodies during this transition period. The changes in the constitution of district boards may be left to the new set of Ministers who, I believe, would come into office in another two years' time.

As regards the eliciting of public opinion at this stage, I may say that the recommendations of the Chairmen of the District Boards who met at Darjeeling have been incorporated in this Bill, and those recommendations were practically unanimous. So we can say that those recommendations were the recommendations not of the Chairmen personally but of the bodies they represent. It would be therefore a sheer waste of time to circulate the Bill.

Dr. NARESH CHANDRA SEN GUPTA: Sir, may I inquire whether all the recommendations of the Chairmen have been incorporated in the Bill?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I think that most of them, at any rate all the important ones, have been incorporated. It may be that only some minor recommendations on technical matters have not been incorporated.

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon before the 30th June, 1932, was then put and lost.

The following motion of Maulvi Hassan Ali was not put as it was covered by the foregoing decision of the Council:—

That the Bill be circulated for the purpose of eliciting public opinion thereon within the 31st of May, 1932.

Maulvi HASSAN ALI: I beg to move that after the name of "Mr. C. W. Gurner" the following names be inserted, namely:—

Maulvi 'Abdul Samad,

Maulvi Syed Jalaluddin Hashemy, and

Kazi Emdadul Hoque.

The following motion was called but not moved:—

Maulvi ABDUS SAMAD to move that after the name of "Mr. C. W. Gurner" the following names be inserted, namely:—

Maulvi Abdus Samad,

Maulvi Hassan Ali,

Babu Jitendralal Bannerjee,

Mr. B. C. Chatterjee, and

Mr. Narendra Kumar Basu.

Haji BADI AHMED CHOWDHURY: I beg to move that after the name of "Mr. C. W. Gurner" the following name be inserted, namely:—

Haji Badi Ahmed Chowdhury.

Babu KHETTER MOHAN RAY: I beg to move that after the name of "Mr. C. W. Gurner" the following names be inserted, namely:—

Rai Kamini Kumar Das Bahadur,

Babu Satish Chandra Ray Chowdhury, and

Babu Khetter Mohan Ray.

Mr. SARAT CHANDRA BAL: I beg to move that after the name of "Mr. C. W. Gurner" the following names be inserted, namely:—

Rai Sahib Rebati Mohan Sarker,

Babu Khetter Mohan Ray, and

Mr. Sarat Chandra Bal.

Maulvi NUR RAHMAN KHAN YUSUFJI: I beg to move that after the name of "Mr. C. W. Gurner" the following names be inserted, namely:—

Maulvi Syed Nausher Ali, and

Maulvi Nur Rahman Khan Yusufji.

Babu PRAFULLA KUMAR GUHA: I beg to move that after the name of "Mr. C. W. Gurner" the following name be inserted, namely:—

Mr. Saileswar Singh Roy.

Babu NAGENDRA NARAYAN RAY: I beg to move that after the name of "Mr. C. W. Gurner" the following names be inserted, namely:—

Maulvi Hassan Ali, and

Babu Nagendra Narayan Ray.

Mr. A. F. M. ABDUR RAHMAN: I beg to move that after the name of "Mr. C. W. Gurner" the following names be inserted, namely:—

Maulvi Tamizuddin Khan, and

Mr. A. F. M. Abdur Rahman.

The following motion was called but not moved:—

Maulvi SYED NAUSHER ALI to move that after the name of "Mr. C. W. Gurner" the following names be inserted, namely:—

Mr. Mukunda Behari Mullick, and

Maulvi Syed Nausher Ali.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that after the name of "Mr. C. W. Gurner" the following name be inserted, namely:—

Babu Satish Chandra Ray Chowdhury.

Maulvi ABDUL HAKIM: I beg to move that after the name of "Mr. C. W. Gurner" the following name be inserted, namely:—

Maulvi Abdul Hakim.

The following motion was called but not moved:—

Mr. S. M. BOSE to move that after the name of "Mr. C. W. Gurner" the following name be inserted, namely:—

Mr. Saileswar Singh Roy.

The motions of Maulvi Hassan Ali, Haji Badi Ahmed Chowdhury, Mr. Sarat Chandra Bal, Maulvi Nur Rahman Khan Eusufji, Babu Prafulla Kumar Guha, Babu Nagendra Narayan Ray, Mr. A. F. M. Abdur Rahman, Babu Satish Chandra Ray Chowdhury and Maulvi Abdul Hakim were then put and agreed to.

The motion of Babu Khetter Mohan Ray was not put as it was covered by the foregoing decision of the Council.

Sir LANCELOT TRAVERS: Sir, may I ask whether the committee with so many members will not be an unwieldy one?

Mr. C. W. GURNER: Sir, with your kind permission and under instructions from the Hon'ble Minister I beg to propose two names to be added to the list of members of the Select Committee, viz., Maulvi Aminuzzaman Khan and Khan Bahadur Maulvi Hafizur Rahman Chaudhuri. As a result of the motions already moved my proposal will perhaps swell the committee still further. As Sir Lancelot Travers has pointed out, the committee would probably be an unwieldy one, but in our recent Select Committees on Bills of this kind we have had a large number of members on them.

The motion that the two names to be added to the list of members of the Select Committee, *viz.*, Maulvi Aminuzzaman Khan and Khan Bahadur Maulvi Hafizur Rahman Chaudhuri was put and agreed to.

Mr. SARAT KUMAR ROY: Sir, I beg to move that after the name of "Mr. C. W. Gurner" the following names be inserted, viz.:—

Rai Satyendra Kumar Das Bahadur,

Mr. Shanti Shekhareswar Ray,

Babu Kishori Mohan Chaudhuri,

Maulvi Syed Majid Baksh, and

Mr. Sarat Kumar Roy.

The motion was put and agreed to.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy, as amended by the Council, was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Bartley, Mr. O.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Buttemley, Mr. J. M.
Chaudhuri, Khan Bahadur Maulvi Aliauzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haidar.
Choudhury, Maulvi Nural Absar.
Choudhury, Haji Badi Ahmed.
Choudhury, Maulvi Abdul Ghani.
Coppinger, Major-General W. V.
Cooper, Mr. G. G.
Ewuji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Ganguli, Rai Bahadur Sunil Kumar.
Ghose, the Hon'ble Sir S. N.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.

Guha, Babu Protulla Kumar.
Gurner, Mr. C. W.
Hakim, Maulvi Abdul.
Hogkyns, Mr. W. S.
Hossain, Maulvi Muhammad.
Kerr, Mr. W. J.
Khan, Maulvi Asim-ud-Zaman.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Momin, Khan Bahadur Muhammad Abdul.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F. M. Abdur-
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Roy, Babu Satyendra Nath.
Roy, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Travers, Sir Lancelot.
Wilkinson, Mr. H. R.

NOES.

Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Sen Gupta, Dr. Naresh Chandra.

The Ayes being 51 and the Noes 3, the following motion was carried:—

"That the Bengal Local Self-Government (Amendment) Bill, 1932, be referred to a Select Committee consisting of the Hon'ble Mr. Bijoy Prasad Singh Roy, Munindra Deb Rai Mahasai, Rai Satish Chandra Mukherji Bahadur, Rai Keshab Chandra Banerji Bahadur, Dr. Naresh Chandra Sen Gupta, Rai Sahib Panchanan Barma, M.B.E., Khan Bahadur Maulvi Alimuzzaman Chaudhuri, Khan Bahadur Muhammad Abdul Momin, Sir Lancelot Travers, KT., C.I.E., O.B.E., Mr. C. W. Gurner, Maulvi Abdul Samad, Maulvi Syed Jalaluddin Hashemy, Kazi Emdadul Hoque, Haji Badi Ahmed Chowdhuri, Rai Sahib Rebati Mohan Sarker, Babu Khetter Mohan Ray, Mr. Sarat Chandra Bal, Maulvi Syed Nausher Ali, Maulvi Nur Rahman Khan Eusufji, Mr. Saileswar Singh Roy, Maulvi Hassan Ali, Babu Nagendra Nath Ray, Maulvi Tamizuddin Khan, Mr. A. F. M. Abdur Rahman, Babu Satish Chandra Ray Chowdhury, Maulvi Abdul Hakim, Rai Bahadur Satyendra Kumar Das, Mr. Shanti Shekhareswar Ray, Babu Kishori Mohan Chaudhuri, Maulvi Syed Majid Baksh, Mr. Sarat Kumar Roy, Maulvi Aminuzzaman Khan and Khan Bahadur Maulvi Hafizur Rahman Chaudhuri with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 22nd February, 1932, at the Council House, Calcutta.

B. G. Press—1931-32—1670BA—1,000.

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B. G. Press—1932-33—2964A—1,056.